1, 1991, see section 10001(g)(1) of Pub. L. 101-508, set out as a note under section 58c of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1990, see seetion 115(a) of Pub. L. 101-382, set out as an Effective Date of 1990 Amendment note under section 58c of this title.

§ 2083. Annual national trade and customs iaw violation estimates and enforcement strategy

(a) Violation estimates

Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) of this section that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) Applicable statutory provisions

The Commissioner of Customs, after consultation with the Committees—

(1) shall, within 60 days after August 20, 1990, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) of this section will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) Enforcement strategy

Within 90 days after submitting a report under subsection (a) of this section for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the detalis of the strategy.

(d) Compliance program

The Commissioner of Customs shall—

(1) devise and impiement a methodology for estimating the levei of compliance with the laws administered by the Customs Service; and

(2) include as an additional part of the report required to be submitted under subsection (a) of this section for each of fiscal years 1994, 1995, and 1996, an evaluation of the extent to which such compliance was obtained during the 12-month period preceding the 60th day before each such fiscal year.

(e) Confidentiality

The contents of any report submitted to the Committees under subsection (a) or (c)(2) of this section are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

(Pub. L. 101-382, title I, § 123, Aug. 20, 1990, 104 Stat. 642; Pub. L. 103-182, title VI, § 691(c), Dec. 8, 1993, 107 Stat. 2224.)

AMENDMENTS

1993—Subsecs. (d), (e). Pub. L. 103-182 added subsec. (d) and redesignated former subsec. (d) as (e).

CHAPTER 12—TRADE ACT OF 1974

SUBCHAPTER 1—NEGOTIATING AND OTHER AUTHORITY

PART 2—OTHER AUTHORITY

SUBCHAPTER II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

PART 2—ADJUSTMENT ASSISTANCE FOR WORKERS

SUBPART C—GENERAL PROVISIONS

SUBFART D—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

PART 5—MISCELLANEOUS PROVISIONS

SUBCHAPTER VI—GENERAL PROVISIONS

§ 2101. Short title

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-182, title V, § 501, Dec. 8, 1993, 107 Stat. 2149, provided that: "This subtitle [subtitle A (§§ 501-507) of title V of Pub. L. 103-282, enacting sections 2322 and 2331 of this title, amending sections 2271 to 2273, 2275, 2317, and 2395 of this title, sections 3304 and 3306 of Title 26, Internal Revenue Code, and section 503 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 2331 of this title and section 3306 of Title 26, and amending provisions set out as a note preceding section 2271 of this title] may be cited as the 'NAFTA Worker Security Act'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-382, § 1(a), Aug. 20, 1990, 104 Stat. 629, provided that: "This Act [see Tables for classification] may be cited as the 'Customs and Trade Act of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-221, § 1, Dec. 12, 1989, 103 Stat. 1886, provided that: "This Act [amending section 4611 of Title 26, Internal Revenue Code, enacting provisions set out as notes under sections 2253 and 2703 of this title and section 4611 of Title 26, and amending provisions set out as notes under sections 2253 and 2703 of this title] may be cited as the 'Steel Trade Liberalization Program Implementation Act'."

SUBCHAPTER I—NEGOTIATING AND OTHER AUTHORITY

PART 1—RATES OF DUTY AND OTHER TRADE BARRIERS

§ 2112. Barriers to and other distortions of trade

PROTECTIVE ORDER PROVISIONS APPLICABLE WITH RESPECT TO COUNTERVAILING AND ANTIDUMPING DUTY INVESTIGATIONS INVOLVING PRODUCTS OF CANADIAN ORIGIN

Pub. L. 101-382, title I, § 135(c), Aug. 20, 1990, 104 Stat. 652, provided that: "For purposes of section 404 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 [Pub. L. 100-449, set out in a note below], the amendments made by subsection (b) [amending section 1677f of this title] also apply with respect to investigations under title VII of the Tariff Act of 1930 [19 U.S.C. 1671 et seq.] involving products of Canadian origin."

UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988

Pub. L. 100-449, Sept. 28, 1988, 102 Stat. 1851, as amended by Pub. L. 101-207, § 1(b), Dec. 7, 1989, 103 Stat. 1833; Pub. L. 101-382, title I, §§ 103(b), 134(b), Aug. 20, 1990, 104 Stat. 635, 651; Pub. L. 103-182, title I, § 107, title III, § 308(a), title IV, § 413, Dec. 8, 1993, 107 Stat. 2065, 2104, 2147, provided that:

[*See main edition for text of Secs. 1 and 2; Titles I and II*]

"TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

"SEC. 301. AGRICULTURE.

"(a) SPECIAL TARIFF PROVISIONS FOR FRESH FRUITS AND VEGETABLES.—

"(1) The Secretary of Agriculture (hereafter in this section referred to as the 'Secretary') may recommend to the President the imposition of a temporary duty on any Canadian fresh fruit or vegetable entered into the United States if the Secretary determines that both of the following conditions exist at the time that imposition of the duty is recommended:

[*See main edition for text of (A) and (B)*]

Whenever the Secretary makes a determination that the conditions referred to in subparagraphs (A) and (B) regarding any Canadian fresh fruit or vegetable exist, the Secretary shall immediately submit for publication in the Federal Register notice of the determination.

"(2) No later than 6 days after publication in the Federal Register of the notice described in paragraph (1), the Secretary shall decide whether to recommend the imposition of a temporary duty to the President, and if the Secretary decides to make such a recommendation, the recommendation shall be forwarded immediately to the President.

"(3) In determining whether to recommend the imposition of a temporary duty to the President under paragraph (1), the Secretary shall consider whether the conditions in subparagraphs (A) and (B) of such paragraph have led to a distortion in trade between the United States and Canada of the fresh fruit or vegetable and, if so, whether the imposition of the duty is appropriate, including consideration of whether it would significantly correct this distortion.

"(4) Not later than 7 days after receipt of a recommendation of the Secretary under paragraph (1), the President, after taking into account the national economic interests of the United States, shall determine whether to impose a tomporary duty on the Canadian fresh fruit or vegetable concerned. If the determination is affirmative, the President shall proclaim the imposition and the rate of the temporary duty, but such duty shall not apply to the entry of articles that were in transit to the United States on the first day on which the temporary duty is in effect.

"(5) A temporary duty imposed under paragraph (4) shall cease to apply with respect to articles that are entered on or after the earlier of—

"(A) the day following the last of 5 consecutive working days with respect to which the Secretary determines that the point of shipment price in Canada for the Canadian fruit or vegetable concerned exceeds 90 percent of the corresponding 5-year average monthly import price; or

"(B) the 180th day after the date on which the temporary duty first took effect.

"(6) No temporary duty may be imposed under this subsection on a Canadian fresh fruit or vegetable during such time as import relief is provided with respect to such fresh fruit or vegetable under chapter 1 of title II of the Trade Act of 1974 [19 U.S.C. 2251 et seq.].

"(7) For purposes of this subsection:

"(A) The term 'Canadian fresh fruit or vegetable' means any article originating in Canada (as determined in accordance with section 202) and classified within any of the following headings of the Harmonized System:

"(i) 07.01 (relating to potatoes, fresh or chilled);

"(ii) 07.02 (relating to tomatoes, fresh or chilled);

"(iii) 07.03 (relating to onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled);

"(iv) 07.04 (relating to cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled);

"(v) 07.05 (relating to lettuce (lactuca sativa) and chicory (cichorium spp.), fresh or chilled);

"(vi) 07.06 (relating to carrots, salad beets or beetroot, salsify, celeriac, radishes and similar edible roots (excluding turnips), fresh or chilled);

"(vii) 07.07 (relating to cucumbers and gherkins, fresh or chilled);

"(viii) 07.08 (relating to leguminous vegetables, shelled or unshelled, fresh or chilled);

"(ix) 07.09 (relating to other vegetables (excluding truffles), fresh or chilled);

"(x) 08.06.10 (relating to grapes, fresh);

"(xi) 08.08.20 (relating to pears and quinces, fresh);

"(xii) 08.09 (relating to apricots, cherries, peaches (including nectarines), plums and sloes, fresh); and

"(xiii) 08.10 (relating to other fruit (excluding cranberries and blueberries), fresh).

"(B) The term 'corresponding 5-year average monthly import price' for a particular day means the average import price of a Canadian fresh fruit or vegetable, for the calendar month in which that day occurs, for that month in each of the preceding 5 years, excluding the years with the highest and lowest monthly averages.

"(C) The term 'import price' has the meaning given such term in article 711 of the Agreement.

"(D) The rato of a temporary duty imposed under this subsection with respect to a Canadian

fresh fruit or vegetable means a rate that, including the rate of any other duty in effect for such fruit or vegetable, does not exceed the lesser of—

"(i) the duty that was in effect for the fresh fruit or vegetable before January 1, 1989, under column one of the Tariff Schedules of the United States for the applicable season in which the temporary duty is applied; or

"(ii) the duty in effect for the fresh fruit or vegetable under column one of such Schedules, or column 1 (General) of the Harmonized System, at the time the temporary duty is applied.

"(8)(A) The Secretary shall, to the extent practicable, administer the provisions of this subsection to the 8-digit level of classification under the Harmonized System.

"(B) The Secretary may issue such regulations as may be necessary to implement the provisions of this subsection.

"(9) For purposes of assisting the Secretary in carrying out this subsection—

"(A) the Commissioner of Customs and the Director of the Bureau of Census shall cooperate in providing the Secretary with timely information and data relating to the importation of Canadian fresh fruits and vegetables, and

"(B) importers shall report such information relating to Canadian fresh fruits and vegetables to the Commissioner of Customs at such time and in such manner as the Commissioner requires.

"(10) The authority to impose temporary duties under this subsection expires on the 20th anniversary of the date on which the Agreement enters into force.

[*See main edition for text of (b) to (f); Secs. 302 to 309*]

"TITLE IV—BINATIONAL PANEL DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES.

[*See main edition for text of Secs. 401 to 405*]

"SEC. 406. AUTHORIZATION OF APPROPRIATIONS FOR THE SECRETARIAT, THE PANELS, AND THE COMMITTEES.

[*See main edition for text of (a)*]

"(b) PANELS AND COMMITTEES.—

"(1) There are authorized to be appropriated to the Office of the United States Trade Representative for fiscal year 1990, $1,492,000 to pay during such fiscal year the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the Agrecment.

"(2) The United States Trade Representative is authorized to transfer to any department or agency of the United States, from sums appropriated pursuant to the authorization provided under paragraph (1) or section 141(g)(1) of the Trade Act of 1974 [19 U.S.C. 2171(g)(1)], such funds as may be necessary to facilitate the payment of the expenses described in paragraph (1).

[*See main edition for text of (3)*]

"(4) If the Canadian Secretariat described in chapter 19 of the Agreement provides funds during any fiscal year for the purpose of paying, in accordance with Annex 1901.2 of the Agreement, the Canadian share of the expenses of binational paneis, the United States Secretariat established under section 405(e)(1) may hereafter retain and use such funds for such purposes.

[*See main edition for text of Sec. 407*]

"SEC. 408. REQUESTS FOR REVIEW OF CANADIAN ANTIDUMPING AND COUNTERVAILING DUTY DETERMINATIONS.

[*See main edition for text of (a) and (b)*]

"(c) SERVICE OF REQUEST FOR REVIEW.—Whenever binational panel review is requested under this section, the United States Secretary shall serve a copy of the request on all persons who would otherwise be entitled under Canadian law to commence procedures for judicial review of a final antidumping or countervalling duty determination made by a competent investigating authority of Canada.

"SEC. 409. SUBSIDIES.

[*See main edition for text of (a)*]

"(b) IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.—

[*See main edition for text of (1) and (2)*]

"(3) At the request of an entity that is representative of an industry identified under paragraph (2), the Trade Representative shall—

"(A) compile and make available to the industry information under section 308 of the Trade Act of 1974 [19 U.S.C. 2418],

[*See main edition for text of (B) and (C)*]

The industry may request the Trade Representative te take appropriate action to update (as often as annually) any information obtained under subparagraph (A) or (B), or both, as the case may be, until an agreement on adequate rules and disciplines relating to government subsidies is reached.

[*See main edition for text of (4) to (6)*]

"SEC. 410. TERMINATION OF AGREEMENT.

"(a) IN GENERAL.—If—

[*See main edition for text of (1) and (2)*]

the President shall submit to the Congress a report on such decision which explains why continued adherence to the Agreement is in the national economic interest of the United States. In calculating the 7-year period referred to in paragraph (1), any time during which Canada is a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act [19 U.S.C. 3301(4)]) shall be disregarded.

[*See main edition for text of (b)*]

"TITLE V—EFFECTIVE DATES AND SEVERABILITY

"SEC. 501. EFFECTIVE DATES.

[*See main edition for text of (a) and b)*]

"(c) TERMINATION OR SUSPENSION OF AGREEMENT.—

"(1) TERMINATION OF AGREEMENT.—On the date the Agreement ceases to be in force, the provisions of this Act (other than this paragraph and section 410(b)), and the amendments made by this Act, shall cease to have effect.

"(2) EFFECT OF AGREEMENT SUSPENSION.—An agreement by the United States and Canada to suspend the operation of the Agreement shall not be deemed to cause the Agreement to cease to be in force within the meaning of paragraph (1).

"(3) SUSPENSION RESULTING FROM NAFTA.—On the date the United States and Canada agree to suspend the operation of the Agreement by reason of the entry into force between them of the North American Pree Trade Agreement, the following provisions of this Act are suspended and shall remain suspended until such time as the suspension of the Agreement may be terminated:

"(A) Sections 204(a) and (b) and 205(a).

"(B) Sections 302 and 304(f).
"(C) Sections 404, 409, and 410(b).

[*See main edition for text of Sec. 502*]

[Amendment by section 107 of Pub. L. 103-182 to section 501(c) of Pub. L. 100-449, set out above, effective on the date the North American Free Trade Agreement enters into force between the United States and Canada [Jan. 1, 1994], see section 109(a)(2) of Pub. L. 103-182, set out as an Effective Date; Termination of NAFTA Status note under section 3311 of this title.]

[Section 308(b) of Pub. L. 103-182 provided that: "The amendments made by subsection (a) [amending section 301(a) of Pub. L. 100-449, set out above] take effect on the date of the enactment of this Act [Dec. 8, 1993]."]

[Amendment by section 413 of Pub. L. 103-182 to section 410(a) of Pub. L. 100-449, set out above, effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], but not applicable to any final determination described in section 1516a(a)(1)(B) or (2)(B)(i) to (iii) of this title, notice of which is published in the Federal Register before such date, or to a determination described in seetion 1516a(a)(2)(B)(vi) of this title, notice of which is received by the Government of Canada before such date, or to any binational panel review under the United States-Canada Free-Trade Agreement, or any extraordinary challenge arising out of such review, that was commenced before such date, see section 416 of Pub. L. 103-182, set out as an Effective Date note under section 3431 of this title.]

[For provisions relating to effect of termination of NAFTA country status on the provisions of sections 401 to 416 of Pub. L. 103-182, see seetion 3451 of this title.]

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

EX. ORD. NO. 12662. IMPLEMENTING UNITED STATES-CANADA FREE-TRADE IMPLEMENTATION ACT

Ex. Ord. No. 12662, Dec. 31, 1988, 54 F.R. 785, as amended by Ex. Ord. No. 12889, § 4(c), Dec. 27, 1993, 58 F.R. 69681, provided:

[*See main edition for text of first par.*]

SECTION 1. [Superseded by Ex. Ord. No. 12889, § 4(c), Dec. 27, 1993, 58 F.R. 69681, see 19 U.S.C. 3311 note.]

[*See main edition for text of Secs. 2 to 5*]

DELEGATION OF AUTHORITY UNDER SECTION 103(a) OF UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988

Memorandum of President of the United States, Feb. 11, 1991, 56 F.R. 6789, provided:

Memorandum for the United States Trade Representative

By virtue of the autbority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority to perform the functions necessary to fulfill the consultation and lay-over requirements set forth in section 103(a)(1) through (4) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 ("the Act") [Pub. L. 100-449, set out as a note above], including:

(1) obtaining advice from the appropriate advisory committees and the U.S. International Trade Commission on the proposed implementation of an action by Presidential proclamation;

(2) submitting a report on such action to the House Ways and Means and Senate Finance Committees; and

(3) consulting with such committees during the 60-day period following the date on which the requirements under (1) and (2) have been met.

The President retains the sole authority under the Act to implement an action by proclamation after the consultation and lay-over requirements set forth in section 103(a)(1) through (4) have been met.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

§ 2114a. Negotiating objectives with respect to trade in services, foreign direct investment, and high technology products

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2114e of this title.

§ 2114c. Trade in services: development, coordination, and implementation of Federal policies; staff support and other assistance; specific service sector authorities unaffected; executive functions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3312 of this title.

§ 2114d. Foreign export requirements; consultations and negotiations for reduction and ellmination; restrictions on and exclusion from entry of products or services; savings provision; compensation authority applicahle

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any pian, such pian amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

PART 2—OTHER AUTHORITY

§ 2133. Compensation authority

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2114d, 2151, 2152, 2153, 2154, 2212, 3356 of this title.

§ 2138. Omitted

CODIFICATION

Section, Pub. L. 93-618, title I, § 128, as added Pub. L. 98-573, title III, § 308(b)(1), Oct. 30, 1984, 98 Stat. 3013; amended Pub. L. 99-514, title XVIII, § 1887(b)(1), Oct. 22, 1986, 100 Stat. 2924; Pub. L. 100-418, title I, §§ 1214(j)(1), 1215, Aug. 23, 1988, 102 Stat. 1158, 1163; Pub. L. 100-647, title IX, § 9001(a)(3), Nov. 10, 1988, 102 Stat. 3806, related to modification and continuance of treatment with respect to duties on high technology products, was omitted pursuant to subsec. (c) whicb provided that the President could exercise authority under this section only during the 5-year period beginning on Oct. 30, 1984.

PART 3—HEARINGS AND ADVICE CONCERNING NEGOTIATIONS

§ 2155. Information and advice from private and public sectors

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2114, 2154, 2213, 2241, 2242, 2412, 2413, 2414, 2512, 2514, 2547, 2902, 2903, 3108, 3313, 3437 of this title; title 7 sections 1748, 5603; title 8 section 1184; title 50 App. section 2405.

PART 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

§ 2171. Structure, functions, powers, and personnel

[*See main edition for text of (a) to (f)*]

(g) Authorization of appropriations

(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

(i) $23,250,000 for fiscal year 1991.

(ii) $21,077,000 for fiscal year 1992.

(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office;

(ii) not to exceed $2,050,000 may be used to pay the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the United States-Canada Free-Trade Agreement; and

(iii) not to exceed $1,000,000 shall remain available until expended.

[*See main edition for text of (2)*]

(As amended Pub. L. 101-207, § 1(a), Dec. 7, 1989, 103 Stat. 1833; Pub. L. 101-382, title I, § 103(a), Aug. 20, 1990, 104 Stat. 634.)

AMENDMENTS

1990—Subsec. (g)(1). Pub. L. 101-382 amended par. (1) generally. Prior to amendment, par. (1) read as follows:

"(A) There are authorized to be appropriated for fiscal year 1990 to the Office for the purposes of carrying out its functions not to exceed $19,651,000.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for fiscal year 1990—

"(i) not to exceed $89,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $1,000,000 shall remain available until expended."

1989—Subsec. (g)(1). Pub. L. 101-207, in subpar. (A), substituted "1990" for "1988" and "$19,651,000" for "$15,172,000", and in subpar. (B), substituted "1990" for "1988" in introductory provisions, and "$89,000" for "$69,000" in cl. (i).

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

Referenccs in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SENIOR COMMERCIAL OFFICERS TO HOLD TITLE OF MINISTER-COUNSELOR; MAXIMUM NUMBER DESIGNATED

Provisions requiring the Secretary of State, upon the request of the Secretary of Commerce, to accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad with a limit on the number of Commercial Service officers accorded such diplomatic title at any time were contained in the following appropriation acts:

Pub. L. 102-395, title II, Oct. 6, 1992, 106 Stat. 1852.
Pub. L. 102-140, title II, Oct. 28, 1991, 105 Stat. 802.
Pub. L. 101-515, title I, Nov. 5, 1990, 104 Stat. 2103.
Pub. L. 101-162, title I, Nov. 21, 1989, 103 Stat. 991.

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

PART 5—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

§ 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with Communist countries

[*See main edition for text of (a)*]

(b) Definitions

For purposes of this section—

[*See main edition for text of (1)*]

(2) The term "implementing revenue bill or resolution" means an implementing bill, or approval resolution, which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means oniy a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of _____ transmitted by the President to the Congress on _____.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

[*See main edition for text of (c) and (d)*]

(e) Period for committee and floor consideration

[*See main edition for text of (1)*]

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill or resolution. An implementing revenue bill or resolution received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill or resolution at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill or resolution was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill or resolution and it shall be placed on the calendar. A vote on final passage of such bill or resolution shall be taken in the Senate on or before the close of the 15th day after such bill or resolution is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill or resolution.

[*See main edition for text of (3); (f) and (g)*]

(As amended Pub. L. 101-382, title I, § 132(b)(2), Aug. 20, 1990, 104 Stat. 645.)

AMENDMENTS

1990—Subsec. (b)(2). Pub. L. 101-382, § 132(b)(2)(A), (B), inserted "or resolution" after "revenue bill" and ", or approval resolution," after "implementing bill".

Subsec. (b)(3). Pub. L. 101-382, § 132(b)(2)(C), substituted "joint" for "concurrent".

Subsec. (e)(2). Pub. L. 101-382, § 132(b)(2)(D), (E), substituted "revenue bill or resolution" for "revenue bill" in three places and "such bill or resolution" for "such bill" in five places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 2112, 2435, 2437, 2503, 2504, 2903, 2905, 2906, 3311 of this title.

§ 2192. Resolutions disapproving certain actions

(a) Contents of resolutions

(1) For purposes of this section, the term "resolution" means only—

[*See main edition for text of (A)*]

(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve _____ transmitted to the Congress on _____.", with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.

(2) The first blank space referred to in paragraph (1)(B) shall be filled as follows:

(A) in the case of a resolution referred to in section 1303(e) of this title, with the phrase "the determination of the Secretary of the Treasury under section 303(d) of the Tariff Act of 1930"; and

(B) in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the report of the President submitted under section _____ of the Trade Act of 1974 with respect to _____" (with the first blank space being filled with "402(b)" or "409(b)", as appropriate, and the second blank space being filled with the name of the country involved).

[*See main edition for text of (b)*]

(c) Discharge of committees

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2194(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except that a motion to discharge—

(A) may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so; and

(B) is not in order after the Committee [1] has reported a resolution with respect to the same matter.

[*See main edition for text of (2); (d) and (e)*]

(f) Procedures in the Senate

(1) Except as otherwise provided in this section, the following procedures shall apply in the Senate to a resolution to which this section applies:

(A)(i) Except as provided in clause (ii), a resolution that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this section.

(ii) If a resolution to which this section applies was introduced in the Senate before receipt of a resolution that has passed the House of Representatives, the resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this clause applies, the procedures in the Senate with respect to a resolution introduced in the Senate that contains the identical matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the resolution that passed the House of Representatives.

(B) If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House of Representatives. Upon receipt of the joint resolution from the House of Representatives, such joint resolu-

[1] So in original. Probably should not be capitalized.

tion shall be deemed to be read twice, considered, read the third time, and passed.

(2) If the texts of joint resolutions described in this section or section 2193(a) of this title, whichever is applicable, concerning any matter are not identical—

(A) the Senate shall vote passage on the resolution introduced in the Senate, and

(B) the text of the joint resolution passed by the Senate shall, immediately upon its passage (or, if later, upon receipt of the joint resolution passed by the House), be substituted for the text of the joint resolution passed by the House of Representatives, and such resolution, as amended, shall be returned with a request for a conference between the two Houses.

(3) Consideration in the Senate of any veto message with respect to a joint resolution described in subsection (a)(2)(B) of this section or section 2193(a) of this title, including consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(As amended Pub. L. 101-382, title I, § 132(c)(2)-(5), Aug. 20, 1990, 104 Stat. 646, 647.)

AMENDMENTS

1990—Subsec. (a)(1)(B). Pub. L. 101-382, § 132(c)(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: 'That the _____ does not approve _____ transmitted to the Congress on _____', with the first blank space being filled with the name of the resolving House, the second blank space being filled in accordance with paragraph (2), and the third blank space being filled with the appropriate date."

Subsec. (a)(2). Pub. L. 101-382, § 132(c)(3), substituted "first" for "second" in introductory provisions and "2437(c)(2)" for "2437(c)(3)" in subpar. (C), redesignated subpar. (C) as (B), and struck out former subpar. (B) which read as follows: "in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase 'the extension of nondiscriminatory treatment with respect to the products of _____' (with this blank space being filled with the name of the country involved); and".

Subsec. (c)(1). Pub. L. 101-382, § 132(c)(4), substituted "except that a motion to discharge—

"(A) may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so; and

"(B) is not in order after the Committee has reported a resolution with respect to the same matter" for "except no motion to discharge shall be in order after the committee has reported a resolution with respect to the same matter".

Subsec. (f). Pub. L. 101-382, § 132(c)(5), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "In the case of a resolution described in subsection (a)(1) of this section, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

"(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(2) the vote on final passage shall be on the resolution of the other House."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 132(c)(4) and (5) of Pub. L. 101-382 applicable with respect to recommendations made under section 2432(d) of this title by the President after May 23, 1990, see section 132(d) of Pub. L. 101-382, set out as a note under section 2432 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 1330, 2191, 2193, 2253, 2412, 2437, 2903 of this title.

§ 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974

(a) Contents of resolution

For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to _____.", with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with "with respect to" being omitted if the extension of the authority is not approved with respect to any country.

(h) Application of rules of section 2192 of this title; exceptions

[*See main edition for text of (1)*]

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his

designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation.

(d) Procedures relating to conference reports in the Senate

(1) Consideration in the Senate of the conference report on any joint resolution described in subsection (a) of this section, including consideration of all amendments in disagreement (and all amendments thereto), and consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(2) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment to any amendment in disagreement shall be received unless it is a germane amendment.

(As amended Pub. L. 101-382, title I, § 132(a)(3)-(6), Aug. 20, 1990, 104 Stat. 644, 645.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-382, § 132(a)(3), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "For purposes of this section, the term 'resolution' means only—

"(1) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the extension of the authority contained in section 402(c)(1) of the Trade Act of 1974 recommended by the President to the Congress on _____, except with respect to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the except clause being omitted if there is no such country; and

"(2) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: 'That the _____ does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to _____.', with the first blank space being filled with the name of the resolving House, the second blank space being filled with the appropriate date, and the third blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the with-respect-to clause being omitted if the extension of the authority is not approved with respect to any country."

Subsec. (b). Pub. L. 101-382, § 132(a)(4), in par. (2), struck out provisions substituting 20 days for 30 days in resolution related to section 2432(d)(4) of this title, and in pars. (3) and (4), struck out provisions relating to except clause in resolutions under subsec. (a)(1) and provisions identifying with-respect-to clause as relating to resolutions under subsec. (a)(2).

Subsec. (c). Pub. L. 101-382, § 132(a)(5), substituted "subsection (a)" for "subsection (a)(1)".

Subsec. (d). Pub. L. 101-382, § 132(a)(6), added subsec. (d).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-382 applicable with respect to recommendations made under section 2432(d) of this title by the President after May 23, 1990, see section 132(d) of Pub. L. 101-382, set out as a note under section 2432 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2191, 2192, 2432 of this title.

§ 2194. Special rules relating to Congressional procedures

[*See main edition for text of (a)*]

(b) Computation of 90-day period

For purposes of sections 2253(c),[1] and 2437(c)(2) of this title, the 90-day period referred to in such sections shall be computed by excluding—

[*See main edition for text of (1) and (2)*]

(As amended Pub. L. 101-382, title I, § 132(c)(6), Aug. 20, 1990, 104 Stat. 647.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-382, which directed the substitution of "and 2437(c)(2)" for "2437(c)(2) and 2437(c)(3)", was executed by making the substitution for "2437(c)(2), and 2437(c)(3)" to reflect the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2432, 2437 of this title.

PART 6—CONGRESSIONAL LIAISON AND REPORTS

§ 2213. Reports

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2514 of this title; title 7 sections 5603, 5711.

PART 8—IDENTIFICATION OF MARKET BARRIERS AND CERTAIN UNFAIR TRADE ACTIONS

§ 2241. Estimates of barriers to market access

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2114a, 2171, 2242, 2420, 2901, 3106 of this title; title 15 section 4711; title 22 sections 2200b, 5732; title 49 App. section 2226.

[1] So in original. The comma probably should not appear.

§ 2242. Identification of countries that deny adequate protection, or market access, for intellectual property rights

[*See main edition for text of (a) to (e)*]

(f) Special rule for actions affecting United States cultural industries

(1) In general

By no later than the date that is 30 days after the date on which the annual report is submitted to Congressional committees under section 2241(b) of this title, the Trade Representative shall identify any act, policy, or practice of Canada which—

(A) affects cultural industries,

(B) is adopted or expanded after December 17, 1992, and

(C) is actionable under article 2106 of the North American Free Trade Agreement.

(2) Special rules for identifications

For purposes of section 2412(b)(2)(A) of this title, an act, policy, or practice identified under this subsection shall be treated as an act, policy, or practice that is the basis for identification of a country under subsection (a)(2) of this section, unless the United States has already taken action pursuant to article 2106 of the North American Free Trade Agreement in response to such act, policy, or practice. In deciding whether to identify an act, policy, or practice under paragraph (1), the Trade Representative shall—

(A) consult with and take into account the views of representatives of the relevant domestic industries, appropriate committees established pursuant to section 2155 of this title, and appropriate officers of the Federal Government, and

(B) take into account the information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative by interested persons, including information contained in reports submitted under section 2241(b) of this title.

(3) Cultural industries

For purposes of this subsection, the term "cultural industries" means persons engaged in any of the following activities:

(A) The publication, distribution, or sale of books, magazines, periodicals, or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing.

(B) The production, distribution, sale, or exhibition of film or video recordings.

(C) The production, distribution, sale, or exhibition of audio or video music recordings.

(D) The publication, distribution, or sale of music in print or machine readable form.

(E) Radio communications in which the transmissions are intended for direct reception by the general public, and all radio, television, and cable broadcasting undertakings and all satellite programming and broadcast network services.

(As amended Pub. L. 103-182, title V, § 513, Dec. 8, 1993, 107 Stat. 2156.)

AMENDMENTS

1993—Subsec. (f). Pub. L. 103-182 added subsec. (f).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 516(a) of Pub. L. 103-182, set out as an Effective Date note under section 3461 of this title.

PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Pub. L. 101-189, div. A, title VIII, § 852, Nov. 29, 1989, 103 Stat. 1517, as amended by Pub. L. 101-510, div. A, title XIII, § 1302(a), Nov. 5, 1990, 104 Stat. 1668, provided that it is the sense of Congress that it be a very important consideration in procurement of property, services, or technology by the Department of Defense whether such procurement is from any person of any country which has been identified by the United States Trade Representative as denying adequate and effective protection of intellectual property rights or fair and equitable market access to United States persons that rely upon intellectual property protection.

SUBCHAPTER II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

PART 1—POSITIVE ADJUSTMENT BY INDUSTRIES INJURED BY IMPORTS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 1339, 2133, 2436, 2703, 3203, 3356, 3357, 3371, 3372 of this title.

§ 2251. Action to facilitate positive adjustment to import competition

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 1872, 2252, 2253, 2436, 2703, 3203 of this title; title 42 section 2210b.

§ 2252. Investigations, determinations, and recommendations by Commission

(a) Petitions and adjustment plans

[*See main edition for text of (1) to (7)*]

(8) The procedures concerning the release of confidential business information set forth in section 332(g) of the Tariff Act of 1930 [19 U.S.C. 1332(g)] shall appiy with respect to information received by the Commission in the course of investigations conducted under this part and part 1 of titie III of the North American Free Trade Agreement Implementation Act [19 U.S.C. 3351 et seq.].

[*See main edition for text of (b) and (c)*]

(d) Provisional relief

(1)(A) An entity representing a domestic industry that produces a perishable agricultural product or citrus product that is like or directiy competitive with an imported perishable agricultural product or citrus product may file a request with the Trade Representative for the monitoring of imports of that product under subparagraph (B). Within 21 days after receiv-

ing the request, the Trade Representative shall determine if—

(i) the imported product is a perishable agricultural product or citrus product; and

[*See main edition for text of (ii), (B)*]

(C) If a petition filed under subsection (a) of this section—

(i) alleges injury from imports of a perishable agricultural product or citrus product that has been, on the date the allegation is included in the petition, subject to monitoring by the Commission under paragraph (2) for not less than 90 days; and

[*See main edition for text of (ii)*]

the Commission shall, not later than the 21st day after the day on which the request was filed, make a determination, on the basis of available information, whether increased imports (either actual or relative to domestic production) of the perishable agricultural product or citrus product are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive perishable product or citrus product, and whether either—

[*See main edition for text of (I) and (II), (D) to (G), (2) to (4)*]

(5) For purposes of this subsection:

(A) The term "citrus product" means any processed oranges or grapefruit, or any orange or grapefruit juice, including concentrate.

(B) A perishable agricultural product is any agricultural article, including livestock, regarding which the Trade Representative considers action under this section to be appropriate after taking into account—

(i) whether the article has—

(I) a short shelf life,

(II) a short growing season, or

(III) a short marketing period,

(ii) whether the article is treated as a perishable product under any other Federal law or regulation; and

(iii) any other factor considered appropriate by the Trade Representative.

The presence or absence of any factor which the Trade Representative is required to take into account under clause (i), (ii), or (iii) is not necessarily dispositive of whether an article is a perishable agricultural product.

(C) The term "provisional relief" means—

(i) any increase in, or imposition of, any duty;

(ii) any modification or imposition of any quantitative restriction on the importation of an article into the United States; or

(iii) any combination of actions under clauses (i) and (ii).

[*See main edition for text of (e) to (h)*]

(As amended Pub. L. 103-182, title III, §§ 315, 317(b), Dec. 8, 1993, 107 Stat. 2107, 2108.)

REFERENCES IN TEXT

The North American Free Trade Agreement Implementation Act, referred to in subsec. (a)(8), is Pub. L. 103-182, Dec. 8, 1993, 107 Stat. 2057. Part 1 of title III of the Act probably means part 1 of subtitle A of title III of the Act, which is classified generally to subpart 1 (§ 3351 et seq.) of part A of subchapter III of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

AMENDMENTS

1993—Subsec. (a)(8). Pub. L. 103-182, § 317(b), added par. (8).

Subsec. (d)(1)(A). Pub. L. 103-182, § 315(1), inserted "or citrus product" after "agricultural product" wherever appearing.

Subsec. (d)(1)(C). Pub. L. 103-182, § 315(2), in cl. (i) and provisions before subcl. (I), inserted "or citrus product" after "agricultural product" wherever appearing and in provisions before subcl. (I), inserted "or citrus product" after "competitive perishable product".

Subsec. (d)(5). Pub. L. 103-182, § 315(3), (4), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

EFFECTIVE DATES OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 318 of Pub. L. 103-182, set out as an Effective Date note under section 3351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 2251, 2253, 2254, 2274, 2354, 2436, 2703, 3203, 3352, 3353, 3381 of this title.

§ 2253. Action by President after determination of import injury

STEEL IMPORT STABILIZATION

Title VIII of Pub. L. 98-573, as amended by Pub. L. 100-418, title I, § 1322, Aug. 23, 1988, 102 Stat. 1195; Pub. L. 101-221, §§ 2, 3(a), 4-6(a), Dec. 12, 1989, 103 Stat. 1886-1889, known as the Steel Import Stabilization Act, endorsed principles and goals of steel trade liberalization program as announced by the President on July 25, 1989, and provided for its implementation, granted specific enforcement powers to President to carry out terms and conditions of bilateral arrangements entered into for purposes of implementing that program, made continuation of those powers subject to condition that steel industry continue to modernize its plant and equipment and provide for appropriate worker retraining, directed Secretary of Labor to prepare and submit to Congress plan of action for assisting workers in communities adversely affected by imports of steel products, and provided that section 805 which provided enforcement authority for President would terminate Mar. 31, 1992.

LIMITATION ON MEAT IMPORTS

Pub. L. 88-482, § 2, Aug. 22, 1964, 78 Stat. 594, as amended by Pub. L. 96-177, Dec. 31, 1979, 93 Stat. 1291; Pub. L. 100-418, title I, § 1214(u), Aug. 23, 1988, 102 Stat. 1162; Pub. L. 100-449, title III, § 301(b), Sept. 28, 1988, 102 Stat. 1867; Pub. L. 103-182, title III, § 321(a), Dec. 8, 1993, 107 Stat. 2108, provided that:

[*See main edition for text of (a)*]

"(b) For purposes of this section—

[*See main edition for text of (1)*]

"(2) The term 'meat articles' means the articles provided for in the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) under—

"(A) subheadings 0201.10.00, 0201.20.60, 0201.30.60, 0202.10.00, 0202.20.60 and 0202.30.60 (relating to fresh, chilled, or frozen bovine meat);

"(B) subheadings 0204.50.00, 0204.21.00, 0204.22.40, 0204.23.40, 0204.41.00, 0204.42.40, and 0204.43.40 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)); and

"(C) subheadings 0201.20.40, 0201.30.40, 0202.20.40, and 0202.30.40 (relating to processed meat of beef or veal other than high quality beef cuts).

"(3) The term 'meat articles' does not include any article described in paragraph (2) that—

"(A) originates in a NAFTA country (as determined in accordance with section 202 of the NAFTA Act [19 U.S.C. 3332]), or

"(B) originates in Canada (as determined in accordance with section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 [section 202 of Pub. L. 100-449, set out in a note under section 2112 of this title]) during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies such Agreement to, Canada.

"(4) The term 'Secretary' means the Secretary of Agriculture.

"(5) The term 'NAFTA Act' means the North American Free Trade Agreement Implementation Act [see Short Title note set out under section 3301 of this title].

"(6) The term 'NAFTA country' has the meaning given such term in section 2(4) of the NAFTA Act [19 U.S.C. 3301(4)].

"(c) The aggregate quantity of meat articles which may be entered in any calendar year after 1979 may not exceed 1,147,600,000 pounds; except that this aggregate quantity shall be—

[*See main edition for text of (1) and (2)*]

For purposes of paragraph (1), the estimated annual domestic commercial production of meat articles for any calendar year does not include the carcass weight of live cattle specified in subheadings 0102.90.20 and 0102.90.40 of the Harmonized Tariff Schedule of the United States entered during such year.

[*See main edition for text of (d) and (e)*]

"(f)(1) If the aggregate quantity estimated before any calendar quarter by the Secretary under subsection (e)(2) is 110 percent or more of the aggregate quantity estimated by him under subsection (e)(1), and if there is no limitation in effect under this section for such calendar year with respect to meat articles, the President shall by proclamation limit the total quantity of meat articles which may be entered during such calendar year to the aggregate quantity estimated for such calendar year by the Secretary under subsection (e)(1); except that no limitation imposed under this paragraph for any calendar year may be less than (A) 1,193,000,000 pounds if no import limitation on Canadian products is in effect under subsection (*l*), or (B) 1,250,000,000 pounds if an import limitation on Canadian products is in effect under subsection (*l*). The President shall include in the articles subject to any limit proclaimed under this paragraph any article of meat provided for in subheadings 0201.20.20, 0201.30.20, 0202.20.20, and 0202.30.20 of the Harmonized Tariff Schedule of the United States (relating to high-quality beef specially processed into fancy cuts), except that the President may exclude any such article originating in a NAFTA country (as determined in accordance with section 202 of the NAFTA Act [19 U.S.C. 3332]) or, if paragraph (3)(B) applies, any such article originating in Canada as determined in accordance with such paragraph (3)(B).

[*See main edition for text of (2); (g) and (h)*]

"(i) The Secretary shall allocate the total quantity proclaimed under subsection (f)(1) and any increase in such quantity provided for under subsection (g) among supplying countries other than Canada and Mexico on the basis of the shares of the United States market for meat articles such countries other than Canada and Mexico supplied during a representative period. Notwithstanding the preceding sentence, due account may be given to special factors which have affected or may affect the trade in meat articles or cattle. The Secretary shall certify such allocations to the Secretary of the Treasury.

[*See main edition for text of (j) to (l)*]

[Amendment of section 2 of Pub. L. 88-482, set out above, by section 1214(u) of Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of this title.]

[The Harmonized Tariff Schedule of the United States is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 1981, 2114d, 2133, 2137, 2192, 2194, 2252, 2254, 2436, 2463, 2581, 2703, 3203 of this title.

§ 2254. Monitoring, modification, and termination of action

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 2133, 2251, 3203 of this title.

PART 2—ADJUSTMENT ASSISTANCE FOR WORKERS

TERMINATION DATE

Section 285, formerly section 284, of Pub. L. 93-616, title II, Jan. 3, 1975, 88 Stat. 2041; renumbered § 285, Pub. L. 96-417, title VI, § 613(a), Oct. 10, 1980, 94 Stat. 1746; and amended Pub. L. 97-35, title XXV, § 2512, Aug. 13, 1981, 95 Stat. 888; Pub. L. 98-120, § 2(b), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-107, § 3, Sept. 30, 1985, 99 Stat. 479; Pub. L. 99-155, § 2(b), Nov. 14, 1985, 99 Stat. 814; Pub. L. 99-181, § 2, Dec. 13, 1985, 99 Stat. 1172; Pub. L. 99-189, § 2, Dec. 18, 1985, 99 Stat. 1184; Pub. L. 99-272, title XIII, § 13007(a), Apr. 7, 1986, 100 Stat. 304; Pub. L. 100-418, title 1, § 1426(a), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103-66, title XIII, § 13803(a)(1), Aug. 10, 1993, 107 Stat. 668; Pub. L. 103-182, title V, § 505, Dec. 8, 1993, 107 Stat. 2152, provided that:

[*See main edition for text of (a)*]

"(b) No duty shall be imposed under section 287 [section 2397 of this title], after September 30, 1993.

"(c)(1) Except as provided in paragraph (2), no assistance, vouchers, allowances, or other payments may be provided under chapter 2 [enacting part 2 of this subchapter and amending section 3302 of Title 26, Internal Revenue Code], and no technical assistance may be provided under chapter 3 [enacting part 3 of this subchapter], after September 30, 1998.

"(2)(A) Except as provided in subparagraph (B), no assistance, vouchers, allowances, or other payments may be provided under subchapter D of chapter 2 [enacting subpart D of part 2 of this subchapter] after the day that is the earlier of—

"(i) September 30, 1998, or

"(ii) the date on which legislation, establishing a program providing dislocated workers with comprehensive assistance substantially similar to the assistance provided by such subchapter D, becomes effective.

"(B) Notwithstanding subparagraph (A), if, on or before the day described in subparagraph (A), a worker—

"(i) is certified as eligible to apply for assistance, under subchapter D of chapter 2; and

"(ii) is otherwise eligible to receive assistance in accordance with section 250 [19 U.S.C. 2331],

such worker shall continue to be eligible to receive such assistance for any week for which the worker meets the eligibility requirements of such section."

[Amendment by Pub. L. 103-182 to section 285(c) of Pub. L. 93-618, set out above, effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.]

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 1339, 2252, 2253, 2318, 2391, 2396, 2397 of this title; title 29 sections 1605, 1661, 1732.

SUBPART A—PETITIONS AND DETERMINATIONS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2291, 2295, 2296, 2297, 2298, 2318, 2322, 2331 of this title.

§ 2271. Petitions

(a) Filing of petition; publication of notice

A petition for a certification of eligibility to apply for adjustment assistance under this subpart may be filed with the Secretary of Labor (hereinafter in this part referred to as the "Secretary") by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

[*See main edition for text of* (b)]

(As amended Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-182 substituted "assistance under this subpart" for "assistance under this part".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.

§ 2272. Group eligibility requirements; agricultural workers; oil and natural gas industry

(a) The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for adjustment assistance under this subpart if he determines—

[*See main edition for text of* (1) *to* (3); (b)]

(As amended Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-182 substitutod "assistance under this subpart" for "assistance under this part".

1988—Subsec. (a)(3). Pub. L. 100-418, § 1421(b)(1), directed the general amendment of par. (3) adding provisions relating to provision of essential goods or services by such workers' firm, or appropriate subdivision thereof, which amendment did not become effective pursuant to section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.

§ 2273. Determinations by Secretary of Labor

(a) Certification of eligibility

As soon as possible after the date on which a petition is filed under section 2271 of this title, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 2272 of this title and shall issue a certification of eligibility to apply for assistance under this subpart covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin.

[*See main edition for text of* (b) *to* (d)]

(As amended Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-182 substituted "assistance under this subpart" for "assistance under this part".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.

§ 2275. Benefit information for workers

[*See main edition for text of* (a)]

(b)(1) The Secretary shall provide written notice through the mail of the benefits available under this part to each worker whom the Secretary has reason to believe is covered by a certification made under this subpart or subpart D of this part—

[*See main edition for text of* (A) *and* (B)]

(2) The Secretary shall publish notice of the benefits available under this part to workers covered by each certification made under this subpart or subpart D of this part in newspapers of general circulation in the areas in which such workers reside.

(As amended Pub. L. 103-182, title V, § 503(b), Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-182 inserted reference to subpart D in pars. (1) and (2).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.

SUBPART B—PROGRAM BENEFITS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2312, 2331 of this title.

§ 2291. Qualifying requirements for workers

(a) Trade readjustment allowance conditions

Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by a certification under subpart A of this part who files an application for such allowance for any week of unemployment which begins more than 60 days after the date on which the petition that resulted in such certification was filed under section 2271 of this title, if the following conditions are met:

[*See main edition for text of (1)*]

(2) Such worker had, in the 52-week period ending with the week in which such total or partial separation occurred, at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm, or, if data with respect to weeks of employment with a firm are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary. For the purposes of this paragraph, any week in which such worker—

[*See main edition for text of (A)*]

(B) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States,

(C) had his employment interrupted in order to serve as a full-time representative of a labor organization in such firm or subdivision, or

(D) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided such active duty is "Federal service" as defined in section 8521(a)(1) of title 5,

shall be treated as a week of employment at wages of $30 or more, but not more than 7 weeks, in case of weeks described in subparagraph (A) or (C), or both (and not more than 26 weeks, in the case of weeks described in subparagraph (B) or (D)), may be treated as weeks of employment under this sentence.

[*See main edition for text of (3) to (5); (b) and (c)*]

(As amended Pub. L. 102-318, title I, § 106(a), July 3, 1992, 106 Stat. 294.)

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-318 added subpar. (D) and substituted "subparagraph (A) or (C), or both (and not more than 26 weeks, in the case of wecks described in subparagraph (B) or (D))" for "paragraph (A) or (C), or both" in closing provisions.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 106(b) of Pub. L. 102-318 provided that: "The amendments made by subsection (a) [amending this section] shall apply to weeks beginning after August 1, 1990."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2273, 2292, 2293, 2311, 2318, 2331, 2396 of this title; title 26 section 62.

§ 2292. Weekly amounts of readjustment allowance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2293, 2311, 2318, 2396, 2331 of this title; title 26 section 62.

§ 2293. Limitations on trade readjustment allowances

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2292, 2311, 2318, 2331, 2396 of this title.

§ 2294. Application of State laws

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2293, 2311, 2318, 2331, 2396 of this title.

§ 2295. Employment services

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2311, 2331 of this title.

§ 2296. Training

(a) Approval of training; limitation on expenditures; reasonable expectation of employment; payment of costs; approved training programs; nonduplication of payments from other sources; disapproval of certain programs; exhaustion of unemployment benefits; promulgation of regulations

[*See main edition for text of (1)*]

(2)(A) The total amount of payments that may be made under paragraph (1) for any fiscal year shall not exceed $80,000,000, except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed $70,000,000.

[*See main edition for text of (B), (3) to (9); (b) to (e)*]

(As amended Pub. L. 103-66, title XIII, § 13803(b), Aug. 10, 1993, 107 Stat. 668.)

REFERENCES IN TEXT

Section 195(2) of the Vocational Education Act of 1963, referred to in subsec. (a)(1)(D), is section 195(2) of Pub. L. 88-210, title I, as added by Pub. L. 94-482, title II, § 202(a), Oct. 12, 1976, 90 Stat. 2211, and amended, which was classified to section 2461(2) of Title 20, Education, prior to the general revision and redesignation of Pub. L. 88-210 as the Carl D. Perkins Vocational Education Act by Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2435. The definition of "area vocational education school" is now contained in section 521(4) of Pub. L. 88-210, which is classified to section 2471(4) of Title 20.

AMENDMENTS

1993—Subsec. (a)(2)(A). Pub. L. 103-66 inserted before period at end ", except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed $70,000,000".

1988—Subsec. (a)(2)(A). Pub. L. 100-418, § 1424(b), directed the amendment of subpar. (A) by substituting "$120,000,000" for "$80,000,000", which amendment did not become effective pursuant to section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2275, 2291, 2293, 2297, 2298, 2311, 2331 of this title; title 7 section 2015.

§ 2297. Job search allowances

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2331 of this title.

§ 2298. Relocation allowances

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2331 of this title.

SUBPART C—GENERAL PROVISIONS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2331 of this title.

§ 2311. Agreements with States

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2275, 2291, 2312, 2316, 2331 of this title; title 26 section 3302; title 29 section 1661.

§ 2317. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Department of Labor, for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998, such sums as may be necessary to carry out the purposes of this part, other than subpart D.

(h) Subpart D

There are authorized to be appropriated to the Department of Labor, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, such sums as may be necessary to carry out the purposes of subpart D of this part.

(As amended Pub. L. 103-66, title XIII, § 13803(a)(2), Aug. 10, 1993, 107 Stat. 668; Pub. L. 103-182, title V, § 504, Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Pub. L. 103-182 designated existing provisions as subsec. (a), inserted heading and ", other than subpart D" after "this part", and added subsec. (b).

Pub. L. 103-66 substituted "1993, 1994, 1995, 1996, 1997, and 1998" for "1988, 1989, 1990, 1991, 1992, and 1993".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-162, set out as an Effective Date note under section 2331 of this title.

§ 2318. Supplemental wage allowance demonstration projects

(a) Establishment of projects; purpose

The Secretary shall establish one or more demonstration projects during fiscal years 1989 and 1990 for the purpose of—

[*See main edition for text of (1) to (3); (b) and (c)*]

(d) Report to Congress; evaluation and recommendation

By no later than the date that is 6 years after August 23, 1988, the Secretary shall transmit to the Congress a report that includes—

[*See main edition for text of (1) and (2)*]

(As amended Pub. L. 101-382, title I, § 136, Aug. 20, 1990, 104 Stat. 652.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-382, § 136(1), struck out "and carry out" after "establish" in introductory provisions.

Subsec. (d). Pub. L. 101-382, § 136(2), substituted "6 years" for "3 years".

§ 2322. Nonduplication of assistance

No worker may receive assistance relating to a separation pursuant to certifications under both subparts A and D of this part.

(Pub. L. 93-618, title II, § 249A, as added Pub. L. 103-182, title V, § 503(c), Dec. 8, 1993, 107 Stat. 2151.)

PRIOR PROVISIONS

A prior section 2322, Pub. L. 93-618, title II, § 250, Jan. 3, 1975, 88 Stat. 2029, provided for judicial review for workers or groups aggrieved by a final determination by the Secretary under section 2273 of this title, prior to repeal by Pub. L. 96-417, title VI, § 612, title VII, § 701(a), Oct. 10, 1980, 94 Stat. 1746, 1747, effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date. See section 2395 of this title.

EFFECTIVE DATE

Section effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as a note under section 2331 of this title.

SUBPART D—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2275, 2317, 2322 of this title.

§ 2331. Establishment of transitional program

(a) Group eligibility requirements

(1) Criteria

A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as eligible to apply for adjustment assistance under this subpart pursuant to a petition filed under subsection (b) of this section if the Secretary determines that a significant number or pro-

portion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and either—

(A) that—

(i) the sales or production, or both, of such firm or subdivision have decreased absolutely,

(ii) imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and

(iii) the increase in imports under clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

(B) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

(2) "Contributed importantly" defined

The term "contributed importantly", as used in paragraph (1)(A)(iii), means a cause which is important but not necessarily more important than any other cause.

(3) Regulations

The Secretary shall issue regulations relating to the application of the criteria described in paragraph (1) in making preliminary findings under subsection (b) of this section and determinations under subsection (c) of this section.

(b) Preliminary findings and basic assistance

(1) Filing of petitions

A petition for certification of eligibility to apply for adjustment assistance under this subpart may be filed by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative with the Governor of the State in which such workers' firm or subdivision thereof is located.

(2) Findings and assistance

Upon receipt of a petition under paragraph (1), the Governor shall—

(A) notify the Secretary that the Governor has received the petition;

(B) within 10 days after receiving the petition—

(i) make a preliminary finding as to whether the petition meets the criteria described in subsection (a)(1) of this section (and for purposes of this clause the criteria described under subparagraph (A)(iii) of such subsection shall be disregarded), and

(ii) transmit the petition, together with a statement of the finding under clause (i) and reasons therefor, to the Secretary for action under subsection (c) of this section; and

(C) if the preliminary finding under subparagraph (B)(i) is affirmative, ensure that rapid response and basic readjustment services authorized under other Federal law are made available to the workers.

(c) Review of petitions by Secretary; certifications

(1) In general

The Secretary, within 30 days after receiving a petition under subsection (b) of this section, shall determine whether the petition meets the criteria described in subsection (a)(1) of this section. Upon a determination that the petition meets such criteria, the Secretary shall issue to workers covered by the petition a certification of eligibility to apply for assistance described in subsection (d) of this section.

(2) Denial of certification

Upon denial of certification with respect to a petition under paragraph (1), the Secretary shall review the petition in accordance with the requirements of subpart A of this part to determine if the workers may be certified under such subpart.

(d) Comprebensive assistance

Workers covered by certification issued by the Secretary under subsection (c) of this section shall be provided, in the same manner and to the same extent as workers covered under a certification under subpart A of this part, the following:

(1) Employment services described in section 2295 of this title.

(2) Training described in section 2296 of this title, except that notwithstanding the provisions of section 2296(a)(2)(A) of this title, the total amount of payments for training under this subpart for any fiscal year shall not exceed $30,000,000.

(3) Trade readjustment allowances described in sections 2291 through 2294 of this title, except that—

(A) the provisions of sections 2291(a)(5)(C) and 2291(c) of this title, authorizing the payment of trade readjustment allowances upon a finding that it is not feasible or appropriate to approve a training program for a worker, shall not be applicable to payment of such allowances under this subpart; and

(B) notwithstanding the provisions of section 2293(b) of this title, in order for a worker to qualify for trade readjustment allowances under this subpart, the worker shall be enrolled in a training program approved by the Secretary under section 2296(a) of this title by the later of—

(i) the last day of the 16th week of such worker's initial unemployment compensation benefit period, or

(ii) the last day of the 6th week after the week in which the Secretary issues a certification covering such worker.

In cases of extenuating circumstances relating to enrollment in a training program, the Secretary may extend the time for enrollment for a period not to exceed 30 days.

(4) Job search allowances described in section 2297 of this title.

(5) Relocation allowances described in section 2298 of this title.

(e) Administration

The provisions of subpart C of this part shall apply to the administration of the program under this subpart in the same manner and to the same extent as such provisions apply to the administration of the program under subparts A and B of this part, except that the agreement between the Secretary and the States described in section 2311 of this title shall specify the procedures that will be used to carry out the certification process under subsection (c) of this section and the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under subsection (b) of this section.

(Pub. L. 93-618, title II, § 250, as added Pub. L. 103-182, title V, § 502, Dec. 8, 1993, 107 Stat. 2149.)

TERMINATION OF SECTION

For termination of section by section 285 of Pub. L. 93-618, see Termination Date note set out preceding section 2271 of this title.

PRIOR PROVISIONS

A prior section 250 of Pub. L. 93-618, title II, Jan. 3, 1975, 88 Stat. 2029, provided for judicial review for workers or groups aggrieved by a final determination by the Secretary under section 2273 of this title, and was classified to section 2322 of this title, prior to repeal by Pub. L. 96-417.

EFFECTIVE DATE

Section 506 of Pub. L. 103-182 provided that:

"(a) IN GENERAL.—The amendments made by sections 501, 502, 503, 504, and 505 [enacting this section and section 2322 of this title, and amending sections 2271 to 2273, 2275, 2317, and 2395 of this title and provisions set out as a note preceding section 2271 of this title] shall take effect on the date the Agreement [North American Free Trade Agreement] enters into force with respect to the Unitod States [Jan. 1, 1994].

"(b) COVERED WORKERS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), no worker shall be certified as eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974 [this subpart] (as added by this subtitle) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurred before such date of entry into force.

"(2) REACHBACK.—Notwithstanding paragraph (1), any worker—

"(A) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurs—

"(i) after the date of the enactment of this Act [Dec. 8, 1993], and

"(ii) before such date of entry into force, and

"(B) who would otherwise be eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974,

shall bc eligible to receive such assistance in the same manner as if such separation occurred on or after such date of entry into force."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2395 of this title.

PART 3—ADJUSTMENT ASSISTANCE FOR FIRMS

TERMINATION DATE

No technical assistance to be provided under this part after Sept. 30, 1998, see section 285 of Pub. L. 93-618, as amended, set out as a note preceding section 2271 of this title.

§ 2341. Petitions and determinations

AMENDMENTS

1988—Subsec. (c)(1)(C). Pub. L. 100-418, § 1421(b)(2), directed the general amendment of subpar. (C) adding provisions relating te provision of essential goods or services by such firm, whicb amendment did not become effective pursuant te section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

§ 2346. Delegation of functions to Small Business Administration

[*See main edition for text of* (a)]

(b) Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary for fiscal years 1993, 1994, 1995, 1996, 1997, and 1998 such sums as may be necessary to carry out his functions under this part in connection with furnishing adjustment assistance to firms (including, but not limited to, the payment of principal, interest, and reasonable costs incident to default on loans guaranteed by the Secretary under the authority of this part), which sums are authorized to be appropriated to remain available until expended.

[*See main edition for text of* (c)]

(As amended Pub. L. 103-66, title XIII, § 13803(a)(2), Aug. 10, 1993, 107 Stat. 668.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-66 substituted "1993, 1994, 1995, 1996, 1997, and 1998" for "1988, 1989, 1990, 1991, 1992, and 1993".

PART 5—MISCELLANEOUS PROVISIONS

§ 2395. Judicial review

(a) Petition for review; time and place of filing

A worker, group of workers, certified or recognized union, or authorized representative of such worker or group aggrieved by a final determination of the Secretary of Labor under section 2273 of this title or section 2331(c) of this title, a firm or its representative or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 2341 of this title, or a community or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 2371 of this title may, within sixty days after notice of such determination commence a civil action in the United States Court of International Trade for review of such determination. The clerk of such court shall send a copy of the summons and the complaint in such actlon to the Secretary of Labor or the Secretary of Commerce, as the case may be. Upon receiving a copy of such summons and complaint, such Secretary shall promptly certify and file in such court the record on which he based such determination.

[*See main edition for text of* (b) *and* (c)]

(As amended Pub. L. 103-182, title V, § 503(d), Dec. 8, 1993, 107 Stat. 2151.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-182 inserted reference to section 2331(c) of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as an Effective Date note under section 2331 of this title.

§ 2396. Omitted

Section, Pub. L. 93-618, title II, § 286, as added Pub. L. 100-418, title I, § 1427(a), Aug. 23, 1988, 102 Stat. 1251, which established the Trade Adjustment Assistance Trust Fund, did not become effective pursuant to section 1430(c) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

§ 2397. Omitted

Section, Pub. L. 93-618, title II, § 287, as added Pub. L. 100-418, title I, § 1428(b), Aug. 23, 1988, 102 Stat. 1255, which imposed an additional fee, did not become effective pursuant to section 1430(b) of Pub. L. 100-418, as amended, set out below.

TERMINATION OF DUTIES

No duty may be imposed under this section after Sept. 30, 1993, see section 285(b) of Pub. L. 93-618, as amended, set out as a note preceding section 2271 of this title.

DETERMINATION THAT CERTAIN IMPORT FEES ARE NOT IN THE NATIONAL ECONOMIC INTEREST

Determination of President of the United States, No. 90-34, Aug. 23, 1990, 55 F.R. 34889, provided:

Pursuant to section 1428(a)(4)(B) of the Omnibus Trade and Competitiveness Act of 1988 [Pub. L. 100-418, set out above], I determine that it is not in the national economic interest to impose the fee described under subsection (b) of that section [enacting this section].

I hereby authorize and direct the United States Trade Representative to submit to the Congress and publish in the Federal Register written notice of this determination.

GEORGE BUSH.

SUBCHAPTER III—ENFORCEMENT OF UNITED STATES RIGHTS UNDER TRADE AGREEMENTS AND RESPONSE TO CERTAIN FOREIGN TRADE PRACTICES

§ 2411. Actions by United States Trade Representative

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2112, 2241, 2412, 2414, 2415, 2416, 2417, 2419, 2420, 2554, 2581, 3105, 3106, 3312, 3437 of this title; title 7 sections 1736m, 5602, 5623.

§ 2412. Initiation of investigations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 2242, 2411, 2413, 2414, 2415, 2419, 2420, 3437 of this title.

§ 2418. Request for information

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3437 of this title.

SUBCHAPTER IV—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT

§ 2431. Exception of products of certain countries or areas

REPORT ON EFFECT OF SUBCHAPTER; RECOMMENDATIONS

Pub. L. 95-501, title VI, § 604, Oct. 21, 1978, 92 Stat. 1692, which provided that within six months after Oct. 21, 1978, the Secretary of Agriculture submit to Congress a report detailing the effect on United States agriculture of this subchapter, including a recommendation as to whether the provisions of this subchapter should be repealed or amended, was omitted in the general revision of Pub. L. 95-501 by Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3668. See chapter 87 (§ 5601 et seq.) of Title 7, Agriculture.

§ 2432. Freedom of emigration in East-West trade

[*See main edition for text of* (a) *to* (c)]

(d) Extension of waiver authority

(1) If the President determines that the further extension of the waiver authority granted under subsection (c) of this section will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made no later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless a joint resolution described in section 2193(a) of this title is enacted into law pursuant to the provisions of paragraph (2).

(2)(A) The requirements of this paragraph are met if the joint resolution is enacted under the procedures set forth in section 2193 of this title, and—

(i) the Congress adopts and transmits the joint resolution to the President before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under paragraph (1), and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the later of the last day of the 60-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Con-

gress receives the veto message from the President.

(B) If a joint resolution is enacted into law under the provisions of this paragraph, the waiver authority applicable to any country with respect to which the joint resolution disapproves of the extension of such authority shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

(C) A joint resolution to which this subsection and section 2193 of this title apply may be introduced at any time on or after the date the President transmits to the Congress the document described in paragraph (1)(B).

[*See main edition for text of* (e)]

(As amended Pub. L. 101-382, title I, § 132(a)(1), (2), Aug. 20, 1990, 104 Stat. 643, 644.)

AMENDMENTS

1990—Subsec. (d)(1). Pub. L. 101-382, § 132(a)(1), (2)(A), (B), redesignated par. (5) as (1), and substituted "If the President determines that the further extension of the waiver authority granted under subsection (c) of this section will" for "If the waiver authority granted by subsection (c) of this section has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will" in introductory provisions, substituted ", unless a joint resoiution described in section 2193(a) of this title is enacted into law pursuant to the provisions of paragraph (2)." for ", unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country." in concluding provisions, and struck out former par. (1) which read as follows: "If the President determines that the extension of the waiver authority granted by subsection (c)(1) of this section will substantially promote the objectives of this section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

"(A) be made not later than 30 days before the expiration of such authority;

"(B) be made in the document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

"(C) include, for each country with respect to which a waiver granted under subsection (c)(1) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination."

Subsec. (d)(2). Pub. L. 101-382, § 132(a)(2)(A), (C), added par. (2) and struck out former par. (2) which authorized extension of waiver authority for 12-month period upon recommendation of President and adoption of concurrent resolution approving extension of authority and not excluding country, and provided procedures if such resolution was not adopted.

Subsec. (d)(3), (4). Pub. L. 101-382, § 132(a)(2)(A), struck out par. (3) which authorized extension of waiver authority upon recommendation of President for 60 days, and for 12 months if before end of 60-day period concurrent resolution was adopted approving extension of authority and failing to exclude particular country, and provided procedures if such resolution was not adopted, and struck out par. (4) which authorized extension of waiver authority for 12 months upon recommendation of President if Congress failed to adopt concurrent resolution approving extension under par. (3) and also failed to adopt, in 45-day period following 60-day period, concurrent resolution disapproving extension generally or with respect to particular country.

Subsec. (d)(5). Pub. L. 101-382, § 132(a)(2)(B), redesignated par. (5) as (1).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 132(d) of Pub. L. 101-382 provided that:

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 2191 to 2194, 2435, and 2437 of this title] take effect on the date of the enactment of this Act [Aug. 20, 1990].

"(2) EXTENSION OF WAIVER AUTHORITY.—

"(A) The amendments made by subsections (a) and (c)(4) and (5) [amending this section and sections 2192 and 2193 of this title] apply with respect to recommendations made under section 402(d) of the Trade Act of 1974 [subsec. (d) of this section] by the President after May 23, 1990.

"(B) Solely for purposes of applying the applicable provisions of the Trade Act of 1974 [this chapter] with respect to the recommendations made by the President to the House of Representatives and the Senate under subsection (d) of section 402 of the Trade Act of 1974 after May 23, 1990, and on or before the date of the enactment of this Act—

"(i) in paragraph (2)(A)(i) of subsection (d) of such section 402 (as amended by subsection (a)), the date on which the waiver authority granted under subsection (c) of such section 402 would expire but for an extension under paragraph (1) of such subsection (d) is the date of the enactment of this Act;

"(ii) paragraph (2)(A)(ii) of subsection (d) of such section 402 (as amended by subsection (a)) shall be treated as reading as foiiows:

" '(ii) if the President vetoes the joint resolution, each House of Congress votes to override such veto on or before the last day of the 60-day period referred to in clause (i).';

"(iii) if the waiver authority granted under such subsection (c) is extended after application of clauses (i) and (ii), the expiration date for such authority is July 3, 1991; and

"(iv) ouly joint resolutions described in section 153(a) of the Trade Act of 1974 [section 2193(a) of this title] (as amended by subsection (a)) that are introduced in the House of Representatives or the Senate on or after the date of the enactment of this Act may be considered by either body."

WAIVER OF SUBSECTIONS (a) AND (b) BY EXECUTIVE ORDER

The following Executive orders waived the application of subsections (a) and (b) of this section for the countries listed:

Ex. Ord. No. 11854, Apr. 24, 1975, 40 F.R. 18391.—Socialist Republic of Romania.

Ex. Ord. No. 12051, Apr. 7, 1978, 43 F.R. 15131.—Hungarian People's Republic.

Ex. Ord. No. 12167, Oct. 23, 1979, 44 F.R. 61167.—People's Republic of China.

Ex. Ord. No. 12702, Feb. 20, 1990, 55 F.R. 6231.—Czechoslovakia.
Ex. Ord. No. 12726, Aug. 15, 1990, 55 F.R. 33637.—German Democratic Republic.
Ex. Ord. No. 12740, Dec. 29, 1990, 56 F.R. 355.—Soviet Union.
Ex. Ord. No. 12745, Jan. 22, 1991, 56 F.R. 2835.—Bulgaria.
Ex. Ord. No. 12746, Jan. 23, 1991, 56 F.R. 2837.—Mongolia.
Ex. Ord. No. 12772, Aug. 17, 1991, 56 F.R. 41621.—Romania.
Ex. Ord. No. 12798, Apr. 6, 1992, 57 F.R. 12175.—Armenia.
Ex. Ord. No. 12802, Apr. 16, 1992, 57 F.R. 14321.—Republic of Byelarus, Republic of Kyrgyzstan, and Russian Federation.
Ex. Ord. No. 12809, June 3, 1992, 57 F.R. 23925.—Albania, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.
Ex. Ord. No. 12811, June 24, 1992, 57 F.R. 28585.—Tajikistan and Turkmenistan.

PRESIDENTIAL DETERMINATIONS RELATING TO WAIVERS

The following Presidential Determinations related to waivers or continuation of waivers for the countries listed:
Determination No. 81-8, June 2, 1981, 46 F.R. 30797.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.
Determination No. 83-7, June 3, 1983, 48 F.R. 26585.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.
Determination No. 84-9, May 31, 1984, 49 F.R. 24107.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.
Determination No. 86-10, June 3, 1986, 51 F.R. 22057.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.
Determination No. 87-14, June 2, 1987, 52 F.R. 22431.—Hungarian People's Republic, People's Republic of China, and Socialist Republic of Romania.
Determination No. 88-18, June 3, 1988, 53 F.R. 21407.—Hungarian People's Republic and People's Republic of China.
Determination No. 89-14, May 31, 1989, 54 F.R. 26943.—Hungarian People's Republic and People's Republic of China.
Determination No. 90-10, Feb. 20, 1990, 55 F.R. 8899.—Czechoslovakia.
Determination No. 90-21, May 24, 1990, 55 F.R. 23183.—People's Republic of China.
Determination No. 90-22, June 3, 1990, 55 F.R. 42831.—Czech and Slovak Federal Republic.
Determination No. 90-30, Aug. 15, 1990, 55 F.R. 35421.—German Democratic Republic.
Determination No. 91-11, Dec. 29, 1990, 56 F.R. 1561.—Soviet Union.
Determination No. 91-18, Jan. 22, 1991, 56 F.R. 4169.—Bulgaria.
Determination No. 91-19, Jan. 23, 1991, 56 F.R. 4171.—Mougolia.
Determination No. 91-36, May 29, 1991, 56 F.R. 26757.—People's Republic of China.
Determination No. 91-39, June 3, 1991, 56 F.R. 27187.—Republic of Bulgaria, Czech and Slovak Federal Republic, Soviet Union, and Mougolian People's Republic.
Determination No. 91-48, Aug. 17, 1991, 56 F.R. 43861.—Romania.
Determination No. 92-3, Oct. 16, 1991, 56 F.R. 55203.—Czech and Slovak Federal Republic.
Determination No. 92-20, Apr. 3, 1992, 57 F.R. 13623.—Armenia, Belarus, Kyrgyzstan, and Russia.
Determination No. 92-25, May 6, 1992, 57 F.R. 22147.—Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.
Determination No. 92-26, May 20, 1992, 57 F.R. 48711.—Albania.
Determination No. 92-29, June 2, 1992, 57 F.R. 24539.—People's Republic of China.
Determination No. 92-30, June 3, 1992, 57 F.R. 24929.—Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan.
Determination No. 92-31, June 3, 1992, 57 F.R. 24931.—Tajikistan and Turkmenistan.
Determination No. 93-23, May 28, 1993, 58 F.R. 31329.—People's Republic of China.
Determination No. 93-25, June 2, 1993, 58 F.R. 33005.—Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred te in sections 2192, 2193, 2437, 2439 of this title; title 22 section 5401.

§ 2434. Extension of nondiscriminatory treatment

EXTENSION OF NONDISCRIMINATORY TREATMENT OF PRODUCTS OF ROMANIA

Pub. L. 103-133, Nov. 2, 1993, 107 Stat. 1373, provided: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of Romania transmitted by the President to the Congress on July 2, 1993."

WITHDRAWAL OF MOST FAVORED NATION STATUS FROM SERBIA AND MONTENEGRO

Pub. L. 102-420, Oct. 16, 1992, 106 Stat. 2149, provided that:
"(a) FINDINGS.—The Congress finds that Serbia or Montenegro are not complying with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the 'Helsinki Final Act'), particularly the provisions regarding human rights and humanitarian affairs and are not respecting minority rights in Kosovo and Vojvodina.
"(b) WITHDRAWAL OF MFN STATUS.—Except as provided in subsection (c), nondiscriminatory treatment shall not apply with respect to any goods that—
"(1) are the product of Serbia or Montenegro; and
"(2) are entered into the customs territory of the United States on or after the 15th day after the date of the enactment of this Act [Oct. 16, 1992].
"(c) RESTORATION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding subsection (b), the President may restore nondiscriminatory treatment te goods that are the product of Serbia or Montenegro, as the case may be, 30 days after he certifies to the Congress that Serbia or Montenegro, as the case may be—
"(1) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;
"(2) has agreed to respect the borders of the 6 republics that comprised the Socialist Federal Republic of Yugoslavia under the 1974 Yugoslav Constitution; and
"(3) has ceased all support of Serbian forces inside Bosnia-Hercegovina."

EXTENSION OF NONDISCRIMINATORY TREATMENT OF PRODUCTS OF REPUBLIC OF ALBANIA

Pub. L. 102-363, Aug. 26, 1992, 106 Stat. 969, provided: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania transmitted by the President to the Congress on June 16, 1992."

EXTENSION OF NONDISCRIMINATORY TREATMENT OF PRODUCTS OF UNION OF SOVIET SOCIALIST REPUBLICS

Pub. L. 102-197, Dec. 9, 1991, 105 Stat. 1622, provided: "That the Congress approves the extension of nondiscriminatory treatment to the products of the Union of Soviet Socialist Republics transmitted by the President to the Congress on October 9, 1991."

CONGRESSIONAL FINDINGS, PREPARATORY PRESIDENTIAL ACTION, AND AUTHORIZATION OF EXTENSION OF MOST-FAVORED-NATION TREATMENT TO CZECHOSLOVAKIA AND HUNGARY

Pub. L. 102-182, §§ 1, 2, Dec. 4, 1991, 105 Stat. 1233, provided that:

"SECTION 1. CONGRESSIONAL FINDINGS AND PREPARATORY PRESIDENTIAL ACTION.

"(a) CONGRESSIONAL FINDINGS.—The Congress finds that the Czech and Slovak Federal Republic and the Republic of Hungary both have—

"(1) dedicated themselves to respect for fundamental human rights;

"(2) accorded to their citizens the right to emigrate and to travel freely;

"(3) reversed over 40 years of communist dictatorship and embraced the establishment of political pluralism, free and fair elections, and multi-party political systems;

"(4) introduced far-reaching economic reforms based on market-oriented principles and have decentralized economic decisionmaking; and

"(5) demonstrated a strong desire to build friendly relationships with the United States.

"(b) PREPARATORY PRESIDENTIAL ACTION.—The Congress notes that the President in anticipation of the enactment of section 2, has directed the United States Trade Representative to negotiate with the Czech and Slovak Federal Republic and the Republic of Hungary, respectively, in order to—

"(1) preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the General Agreement on Tariffs and Trade; and

"(2) obtain other appropriate commitments.

"SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO CZECHOSLOVAKIA AND HUNGARY.

"(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

"(1) determine that such title should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary, or to both; and

"(2) after making a determination under paragraph (1) with respect to a country, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

"(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of a country, title IV of the Trade Act of 1974 shall cease to apply to that country."

EXTENSION OF NONDISCRIMINATORY TREATMENT TO ESTONIA, LATVIA, AND LITHUANIA

Pub. L. 102-182, title I, Dec. 4, 1991, 105 Stat. 1235, provided that:

"SEC. 101. CONGRESSIONAL FINDINGS.

"The Congress finds the following:

"(1) The Government of the United States extended full diplomatic recognition to Estonia, Latvia, and Lithuania in 1922.

"(2) The Government of the United States entered into agreements extending most-favored-nation treatment with the Government of Estonia on August 1, 1925, the Government of Latvia on April 30, 1926, and the Government of Lithuania on July 10, 1926.

"(3) The Union of Soviet Socialist Republics incorporated Estonia, Latvia, and Lithuania involuntarily into the Union as a result of a secret protocol to a German-Soviet agreement in 1939 which assigned those three states to the Soviet sphere of influence; and the Government of the United States has at no time recognized the forcible incorporation of those states into the Union of Soviet Socialist Republics.

"(4) The Trade Agreements Extension Act of 1951 [see Short Title of 1951 Amendment note set out under section 1654 of this title] required the President to suspend, withdraw, or prevent the application of trade benefits, including most-favored-nation treatment, to countries under the domination or control of the world Communist movement.

"(5) In 1951, responsible representatives of Estonia, Latvia, and Lithuania stated that they did not object to the imposition of 'such controls as the Government of the United States may consider to be appropriate' to the products of those countries, for such time as those countries remained under Soviet domination or control.

"(6) In 1990, the democratically elected governments of Estonia, Latvia, and Lithuania declared the restoration of their independence from the Union of Soviet Socialist Republics.

"(7) The Government of the United States established diplomatic relations with Estonia, Latvia, and Lithuania on September 2, 1991, and on September 6, 1991, the State Council of the transitional government of the Union of Soviet Socialist Republics recognized the independence of Estonia, Latvia, and Lithuania, thereby ending the involuntary incorporation of those countries into, and the domination of those countries by, the Soviet Union.

"(8) Immediate action should be taken to remove the impediments, imposed in response to the circumstances referred to in paragraph (5), in United States trade laws to the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of those countries.

"(9) As a consequence of establishment of United States diplomatic relations with Estonia, Latvia, and Lithuania, these independent countries are eligible to receive the benefits of the Generalized System of Preferences provided for in title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.].

"SEC. 102. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

"(a) IN GENERAL.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) or any other provision of law, nondiscriminatory treatment (most-favored-nation treatment) applies to the products of Estonia, Latvia, and Lithuania.

"(b) CONFORMING TARIFF SCHEDULE AMENDMENTS.—General Note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking out 'Estonia', 'Latvia', and 'Lithuania'.

"(c) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (b) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act [Dec. 4, 1991].

"SEC. 103. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE BALTICS.

"Title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to Estonia, Latvia, and Lithuania effective as of the 15th day after the date of the enactment of this Act [Dec. 4, 1991].

"SEC. 104. SENSE OF THE CONGRESS REGARDING PROMPT PROVISION OF GSP TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

"It is the sense of the Congress that the President should take prompt action under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] to provide preferential tariff treatment to the products of Estonia, Latvia, and Lithuania pursuant to the Generalized System of Preferences."

APPROVAL OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF PEOPLE'S REPUBLIC OF BULGARIA

Pub. L. 102-158, Nov. 13, 1991, 105 Stat. 1041, provided: "That the Congress approves the extension of nondiscriminatory treatment to the products of the People's Republic of Bulgaria transmitted by the President to the Congress on June 25, 1991."

APPROVAL OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF MONGOLIAN PEOPLE'S REPUBLIC

Pub. L. 102-157, Nov. 13, 1991, 105 Stat. 1040, provided: "That the Congress approves the extension of nondiscriminatory treatment to the products of the Mongolian People's Republic transmitted by the President to the Congress on June 25, 1991."

APPROVAL OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF CZECHOSLOVAKIA

Pub. L. 101-541, Nov. 8, 1990, 104 Stat. 2380, provided: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of Czechoslovakia transmitted by the President to the Congress on September 6, 1990."

AUTHORITY OF PRESIDENT TO DENY NONDISCRIMINATORY TRADE TREATMENT TO PRODUCTS OF AFGHANISTAN OR TO DENY CREDITS, ETC., TO AFGHANISTAN

Pub. L. 99-190, § 118, Dec. 19, 1985, 99 Stat. 1319, authorized President to deny nondiscriminatory (most-favored-nation) trade treatment to the products of Afghanistan and to deny credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program, directed President, if such treatment was not denied, to submit to Congress, 45 days after Dec. 19, 1985, a report with the reasons for not denying such treatment, and authorized President, if such treatment was denied to restore nondiscriminatory trade treatment, and to extend credit, credit guarantees, and investment guarantees. Similar provisions were contained in Pub. L. 99-190, § 101(i) [title V, § 552], Dec. 19, 1985, 99 Stat. 1291, 1314. Nondiscriminatory trade treatment to products of Afghanistan was denied under section 118(a)(1) of Pub. L. 99-190 by Proc. No. 5437, Jan. 31, 1986, 51 F.R. 4287, and nondiscriminatory trade treatment was restored under section 118(c)(1) of Pub. L. 99-190 by Determination of the President of the United States, No. 93-3, Oct. 7, 1992, 57 F.R. 47557, set out as a note under section 2374 of Title 22, Foreign Relations and Intercourse.

APPROVAL OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF SOCIALIST REPUBLIC OF ROMANIA

S. Con. Res. 35, July 28, 1975, 89 Stat. 1202, provided: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Romania transmitted by the President to the Congress on April 25, 1975."

FINDING FOR RENEWAL OF TRADE AGREEMENT WITH ROMANIA

Determination of the President of the United States, No. 90-28, July 3, 1990, 55 F.R. 27797, provided:

Pursuant to my authority under subsection 405(b)(1) of the Trade Act of 1974 (19 U.S.C. 2435(b)(1)), I have determined that actual or foreseeable reductions in United States tariffs and nontariff trade barriers resulting from multilateral negotiations are satisfactorily reciprocated by Romania. I have further found that a satisfactory balance of concessions in trade and services has been maintained during the life of the Agreement on Trade Relations between the United States of America and Romania.

These determinations and findings shall be published in the Federal Register.

GEORGE BUSH.

FINDING FOR RENEWAL OF TRADE AGREEMENT WITH HUNGARY

Determination of the President of the United States, No. 90-27, June 22, 1990, 55 F.R. 25945, provided:

Pursuant to my authority under subsection 405(b)(1) of the Trade Act of 1974 (19 U.S.C. 2435(b)(1)), I have determined that actual or foreseeable reductions in U.S. tariffs and non-tariff trade barriers resulting from multilateral negotiations are satisfactorily reciprocated by the Republic of Hungary. I have further found that a satisfactory balance of concessions in trade and services has been maintained during the life of the Agreement on Trade Relations between the United States of America and the Republic of Hungary.

These determinations and findings shall be published in the Federal Register.

GEORGE BUSH.

FINDING FOR RENEWAL OF TRADE AGREEMENT WITH CHINA

Determination of President of the United States, No. 92-12, Jan. 31, 1992, 57 F.R. 19077, provided:

Pursuant to my authority under subsection 405(b)(1) of the Trade Act of 1974 (19 U.S.C. 2435(b)(1)), I have determined that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by the People's Republic of China. I have further found that a satisfactory balance of concessions in trade and services has been maintained during the life of the Agreement on Trade Relations between the United States of America and the People's Republic of China.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

PROC. NO. 6175. AGREEMENT WITH CZECH AND SLOVAK FEDERAL REPUBLIC

Proc. No. 6175, Sept. 6, 1990, 55 F.R. 37643, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Czech and Slovak Federal Republic to conclude an agreement on trade relations between the United States of America and the Czech and Slovak Federal Republic.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Czechoslovak Federative Republic," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Czech, was signed on April 12, 1990, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVIII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act [this chapter].

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405 and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Czech and Slovak Federal Republic, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVIII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Czechoslovakia".

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH.

FINDING REGARDING TRADE AGREEMENT WITH CZECHOSLOVAKIA

Memorandum of the President of the United States, Sept. 6, 1990, 55 F.R. 39259, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act [19 U.S.C. 2435(a)], that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Czechoslovak Federative Republic" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to appropriate members [sic] of Congress and to publish it in the Federal Register.

GEORGE BUSH.

PROC. NO. 6307. AGREEMENT WITH REPUBLIC OF BULGARIA

Proc. No. 6307, June 24, 1991, 56 F.R. 29787, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Republic of Bulgaria to conclude an agreement on trade relations between the United States of America and the Republic of Bulgaria.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Bulgarian, was signed on April 22, 1991, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of tbe provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Republic of Bulgaria, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Bulgaria".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH.

FINDING REGARDING TRADE AGREEMENT WITH BULGARIA

Determination of President of the United States, No. 91-43, June 24, 1991, 56 F.R. 31037, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act [19 U.S.C. 2435(a)], that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.

GEORGE BUSH.

PROC. NO. 6308. AGREEMENT WITH MONGOLIAN PEOPLE'S REPUBLIC

Proc. No. 6308, June 24, 1991, 56 F.R. 29834, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Mongolian People's Republic to conclude an agreement on trade relations between the United States of America and the Mongolian People's Republic.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Mongolian, was signed on January 23, 1991, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commereial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of accoptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effeet oniy if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatery treatment shall be extended to the products of the Mongolian People's Republic, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Mongolia".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independenee of the United States of America the two hundred and fifteenth.

GEORGE BUSH.

FINDING REGARDING TRADE AGREEMENT WITH MONGOLIAN PEOPLE'S REPUBLIC

Determination of President of the United States, No. 91-44, June 24, 1991, 56 F.R. 31039, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act [19 U.S.C. 2435(a)], that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.

GEORGE BUSH.

PROC. NO. 6320. AGREEMENT WITH UNION OF SOVIET SOCIALIST REPUBLICS

Proc. No. 6320, Aug. 2, 1991, 56 F.R. 37407, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Union of Soviet Socialist Republics to conclude an agreement on trade relations between the United States of America and the Union of Soviet Socialist Republics.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics," including annexes and exchanges of letters which form an integral part of the Agreement, the foregoing in English and Russian, was signed on June 1, 1990, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agrcement, shall take effect oniy if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Union of Soviet Socialist Republics, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effeetive date in the Federal Register. On such date, and without prejudice to the long-standing U.S. policy of not recognizing the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union, nondiscriminatory tariff treatment shall also be ex-

tended to the products of Estonia, Latvia, and Lithuania.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) to the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in Rates of Duty Column 2 of the tariff schedule, is modified by striking out "Estonia", "Latvia", "Lithuania", and "Union of Soviet Socialist Republics".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

FINDING REGARDING TRADE AGREEMENT WITH UNION OF SOVIET SOCIALIST REPUBLICS

Determination of President of the United States, No. 91-47, Aug. 2, 1991, 56 F.R. 40741, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act [19 U.S.C. 2435(a)], that the "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.

GEORGE BUSH.

PROC. NO. 6352. AGREEMENT WITH UNION OF SOVIET SOCIALIST REPUBLICS

Proc. No. 6352, Oct. 9, 1991, 56 F.R. 51317, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Union of Soviet Socialist Republics to conclude an agreement on trade relations between the United States of America and the Union of Soviet Socialist Republics.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics," including annexes and exchanges of letters which form an integral part of the Agrecment, the foregoing in English and Russian, was signed on June 1, 1990, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Soction 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Union of Soviet Socialist Republics, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) to the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in Rates of Duty Column 2 of the tariff schedule, is modified by striking out "Union of Soviet Socialist Republics".

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

PROC. NO. 6419. EXTENSION OF NONDISCRIMINATORY TREATMENT (MOST-FAVORED-NATION TREATMENT) TO PRODUCTS OF CZECH AND SLOVAK FEDERAL REPUBLIC AND REPUBLIC OF HUNGARY

Proc. No. 6419, Apr. 10, 1992, 57 F.R. 12865, provided:

Pursuant to section 2 of Public Law 102-182, 105 Stat. 1233 [set out as a note above], and having due regard for the findings of the Congress in section 1 of said law, I have determined that title IV of the Trade Act of 1974 (19 U.S.C. 2431-2441) should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 2 of Public Law 102-182, do proclaim that:

(1) Nondiscriminatory treatment (most-favored-nation treatment) shall be extended to the products of the Czech and Slovak Federal Republic and to the products of the Republic of Hungary.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The extension of nondiscriminatory treatment to the products of the Czech and Slovak Federal Republic and the Republic of Hungary shall be effective on the date of publication of this proclamation in the Federal Register [Apr. 14, 1992].

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

DETERMINATION REGARDING APPLICATION OF TITLE IV OF TRADE ACT OF 1974 TO CZECH AND SLOVAK FEDERAL REPUBLIC OR TO REPUBLIC OF HUNGARY

Determination of President of the United States, No. 92-21, Apr. 10, 1992, 57 F.R. 12863, provided:

Pursuant to section 2(a)(1) of Public Law 102-182, 105 Stat. 1233 [set out as a note above], and having due regard for the findings of the Congress in section 1 of said law, I hereby determine that title IV of the Trade Act of 1974 (19 U.S.C. 2431-2441) should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary.

This determination shall be published in the Federal Register.

GEORGE BUSH.

PROC. NO. 6445. AGREEMENT WITH REPUBLIC OF ALBANIA

Proc. No. 6445, June 15, 1992, 57 F.R. 26921, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting throngh duly empowered representatives, entered into negotiations with representatives of Albania to conclude an agreement on trade relations between the United States of America and Albania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Republic of Albania," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Albanian, was signed on May 14, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Cede].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the dato of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of Albania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs torritory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of tbe tariff schedule, is modified by striking out "Albania".

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

FINDING REGARDING TRADE AGREEMENT WITH ALBANIA

Determination of President of the United States, No. 92-33, June 15, 1992, 57 F.R. 28583, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act (19 U.S.C. 2435(a)), that the "Agreement on Trade Relations Between the United States of America and the Republic of Albania" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.

GEORGE BUSH.

PROC. NO. 6449. AGREEMENT WITH REPUBLIC OF ROMANIA

Proc. No. 6449, June 22, 1992, 57 F.R. 28033, provided:

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of Romania to conclude an agreement on trade relations between the United States of America and Romania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter].

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Romanian, was signed on April 3, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVI of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect ouly if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as

amended [19 U.S.C. 2434, 2435, 2483], do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatery treatment shall be extended to the products of Romania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVI of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for cousumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Romania".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

PROC. NO. 6577. AGREEMENT WITH REPUBLIC OF ROMANIA

Proc. No. 6577, July 2, 1993, 58 F.R. 36301, provided:

1. By the authority vested in me as President by the Constitution and the laws of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of Romania to conclude an agreement on trade relations between the United States of America and Romania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974, Public Law 93-618, as amended (19 U.S.C. 2101-2495) (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania" ("Agreement"), including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Romanian, was signed on April 3, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation [not set out in the Code].

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVI of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President te embody in the Harmonized Tariff Schodule of the United States [see 19 U.S.C. 1202] the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act (19 U.S.C. 2434, 2435, and 2483), do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of Romania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVI of said Agreement. The United States Trade Representative shall publish notice of the effective date in the Federal Register.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Romania".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON.

FINDING REGARDING TRADE AGREEMENT WITH ROMANIA

Determination of President of the United States, No. 93-30, July 2, 1993, 58 F.R. 43785, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to sectlon 405(a) of the Trade Act (19 U.S.C. 2435(a)), that the "Agrecment on Trade Relations between the Government of the United States of America and the Government of Romania" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and publish it in the Federal Register.

WILLIAM J. CLINTON.

Determination of President of the United States, No. 92-34, June 22, 1992, 57 F.R. 30099, provided:

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act") [this chapter], I determine, pursuant to section 405(a) of the Trade Act (19 U.S.C. 2435(a)), that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.

GEORGE BUSH.

§ 2435. Commercial agreements

[See main edition for text of (a) and (b)]

(c) Congressional action

An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if a joint resolution described in section 2191(b)(3) of this title that approves of the agreement referred to in subsection (a) of this section is enacted into law.

(As amended Pub. L. 101-382, title I, § 132(b)(1), Aug. 20, 1990, 104 Stat. 645.)

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-382 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "An agreement referred to in subsection (a) of this section, and a proclamation referred to in section

2434(a) of this title implementing such agreement, shall take effect only if (1) approved by the Congress by the adoption of a concurrent resolution referred to in section 2191 of this title, or (2) in the case of an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, a resolution of disapproval referred to in section 2192 of this title is not adopted during the 90-day period specified by section 2437(c)(2) of this title."

§ 2437. Procedure for Congressional approval or disapproval of extension of nondiscriminatory treatment and Presidential reports

[*See main edition for text of (a) and (b)*]

(c) Effective date of proclamations and agreements; disapproval of reports

(1) In the case of a document referred to in subsection (a) of this section, the proclamation set forth in the document may become effectlve and the agreement set forth in the document may enter into force and effect only if a joint resolution described in sectlon 2191(b)(3) of this title that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.

(2) In the case of a document referred to in subsection (b) of this section which contains a report submitted by the President under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country, if, before the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, a joint resolution described in section 2192(a)(1)(B) of this title is enacted into law that disapproves of the report submitted by the President with respect to such country, then, beginning with the day after the end of the 60-day period beginning with the date of the enactment of such resolution of disapproval, (A) nondiscriminatory treatment shall not be in force with respect to the products of such country, and the products of such country shall be dutiable at the rates set forth in rate column numbered 2 of the Harmonized Tariff Schednle of the United States, (B) such country may not participate in any program of the Government of the United States which extends credit or credit guarantees or investment guarantees, and (C) no commercial agreement may thereafter be concluded with such country under this subchapter. If the President vetoes the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President.

(As amended Pub. L. 101-382, title I, § 132(b)(3), (c)(1), Aug. 20, 1990, 104 Stat. 646.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (c)(2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-382, § 132(b)(3)(A), added par. (1) and struck out former par. (1) which read as follows: "In the case of a document referred to in subsection (a) of this section (other than a document to which paragraph (2) applies), the proclamation set forth therein may become effective and the agreement set forth therein may enter into force and effect only if the House of Representatives and the Senate adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of approval (under the procedures set forth in section 2191 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned."

Subsec. (c)(2). Pub. L. 101-382 struck out par. (2) and redesignated par. (3) as (2), and substituted "a joint resolution described in section 2192(a)(1)(B) of this title is enacted into law that disapproves" for "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title)" and "the end of the 60-day period beginning with the date of the enactment" for "the date of the adoption" and inserted at end "If the President vetees the joint resolution, the joint resolution shall be treated as enacted into law before the end of the 90-day period under this paragraph if both Houses of Congress vote to override such veto on or before the later of the last day of such 90-day period or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date the Congress receives the veto message from the President." Former par. (2) related to effective date of proclamation extending nondiscriminatory treatment to products of a foreign country and of agreement proclamation proposed to implement and related to resolution of disapproval of such extension as to certain countries.

Subsec. (c)(3). Pub. L. 101-382, § 132(b)(3)(B), redesignated par. (3) as (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2194 of this title.

SUBCHAPTER V—GENERALIZED SYSTEM OF PREFERENCES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2253, 2703, 3105, 3203, 3331 of this title; title 22 section 290k-3.

§ 2462. Beneficiary developing countries

[*See main edition for text of (a)*]

(b) Countries ineligible for designation as beneficiary developing countries

No designation shall be made under this section with respect to any of the following:

Australia
Austria
Canada
European Economic Community member states
Finland
Iceland
Japan
Monaco
New Zealand
Norway
Sweden
Switzerland

In addition, the President shall not designate any country a beneficiary developing country under this section—

[*See main edition for text of (1) to (7), last par.; (e) and (d)*]

(As amended Pub. L. 101-179, title III, § 301, Nov. 28, 1989, 103 Stat. 1311; Pub. L. 101-382, title I, § 131, Aug. 20, 1990, 104 Stat. 643; Pub. L. 103-66, title XIII, § 13802(a), Aug. 10, 1993, 107 Stat. 667; Pub. L. 103-149, § 4(b)(9), Nov. 23, 1993, 107 Stat. 1506.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-149 struck out "Republic of South Africa" in list of countries preceding par. (1).

Pub. L. 103-66 struck out "Union of Soviet Socialist Republics" in list of countries preceding par. (1).

1990—Subsec. (b). Pub. L. 101-382 struck out "Czechoslovakia" and "Germany (East)" in list of countries preceding par. (1).

1989—Subsec. (b). Pub. L. 101-179 struck out "Poland" in list of countries preceding par. (1).

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in seetions 2463, 2464, 2702, 3202, 3331 of this title; title 15 section 4711; titie 22 section 2191a; title 26 section 871.

§ 2463. Eligible articles

[*See main edition for text of (a)*]

(b) Eligible articles qualifying for duty-free treatment

(1) The duty-free treatment provided under section 2461 of this title shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 2462(a)(3) of this title, plus (li) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this subchapter, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

[*See main edition for text of (c)*]

(As amended Pub. L. 101-382, title II, § 226, Aug. 20, 1990, 104 Stat. 660.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-382 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The duty-free treatment provided under section 2461 of this title with respect to any eligible article shall apply only—

"(1) to an article which is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(2) If the sum of (A) the cost or value of the materials produced in the beneficiary developing country or any 2 or moro countries which are members of the same association of countries which is treated as one country under section 2462(a)(3) of this title, plus (B) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection."

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

§ 2464. Limitations on preferential treatment

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101-1147 and 1171-1177] or title XVIII [§§ 1801-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

§ 2465. Termination of duty-free treatment and reports

(a) Date of termination

No duty-free treatment provided under this subchapter shall remain in effect after September 30, 1994.

[*See main edition for text of (b) and (c)*]

(As amended Pub. L. 103-66, title XIII, § 13802(b)(1), Aug. 10, 1993, 107 Stat. 667.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-66 substituted "September 30, 1994" for "July 4, 1993".

RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS

Section 13802(b)(2) of Pub. L. 103-66 provided that: "Notwithstanding section 514 of the Tariff Act of 1930 [19 U.S.C. 1514] or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act [Aug. 10, 1993], the entry—

"(A) of any article to which duty-free treatment under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] would have applied if the entry had been made on July 4, 1993, and

"(B) that was made after July 4, 1993, and before such date of enactment,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this paragraph, the term 'entry' includes a withdrawal from warehouse for consumption."

SUBCHAPTER VI—GENERAL PROVISIONS

§ 2487. Repealed. Pub. L. 102-145, § 121, as added Pub. L. 102-266, § 102, Apr. 1, 1992, 106 Stat. 95

Section, Pub. L. 93-618, title VI, § 613, Jan. 3, 1975, 88 Stat. 2076, related to limitation on credit to Russia.

SUBCHAPTER VII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

§ 2492. Tariff treatment of products of uncooperative major drug producing or drug-transit countries

[*See main edition for text of (a)*]

(b) Certifications; Congressional action

(1)(A) Subject to paragraph (3), subsection (a) of this section shall not apply with respect to a country if the President determines and certifies to the Congress, at the time of the submission of the report required by section 2291h of title 22, that—

(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

[*See main edition for text of (I) to (III)*]

(IV) in preventing and punishing bribery and other forms of public corruption which facilitate the illicit production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

[*See main edition for text of (ii)*]

(B) A bilateral narcotics agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

[*See main edition for text of (i) and (ii)*]

(iii) increase drug education and treatment programs;

[*See main edition for text of (iv)*]

(v) increase the identification and elimination of the trafficking of essential precursor chemicals for the use in production of illegal drugs;

[*See main edition for text of (vi) and (vii), (C) to (E)*]

(2) In determining whether to make the certification required by paragraph (1) with respect to a country, the President shall consider the following:

(A) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined te be achievable pursuant to section 2291h of title 22? In the case of a major drug producing country, the President shall give foremost consideration, in determining whether to make the certification required by paragraph (1), to whether the government of that country has taken actions which have resulted in such reductions.

[*See main edition for text of (B) and (C)*]

(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the illicit production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

[*See main edition for text of (E) to (K), (3) to (5); (c) to (e)*]

(As amended Pub. L. 101-231, § 17(h)(1)–(4), Dec. 13, 1989, 103 Stat. 1965; Pub. L. 102-583, § 6(a), Nov. 2, 1992, 106 Stat. 4932.)

AMENDMENT OF SUBSECTION (b)(1)(A), (2)(A)

Pub. L. 102-583, § 6(a), Nov. 2, 1992, 106 Stat. 4932, provided that, effective after Sept. 30, 1994, subsection (b)(1)(A), (2)(A) of this section is amended by substituting "section 2291i of title 22" for "section 2291h of title 22".

AMENDMENTS

1992—Subsec. (b)(1)(A). Pub. L. 102-583 substituted "section 2291h of title 22" for "section 2291(e) of title 22".

Subsec. (b)(2)(A). Pub. L. 102-583 substituted "section 2291h of title 22" for "section 2291(e)(4) of title 22".

1989—Subsec. (b)(1)(A)(i)(IV). Pub. L. 101-231, § 17(h)(1), substituted "illicit production" for "production".

Subsec. (b)(1)(B)(iii). Pub. L. 101-231, § 17(h)(2), substituted "education and treatment programs" for "treatment".

Subsec. (b)(1)(B)(v). Pub. L. 101-231, § 17(h)(3), substituted "essential precursor chemicals" for "precursor chemicals".

Subsec. (b)(2)(D). Pub. L. 101-231, § 17(h)(4), substituted "illicit production" for "production".

EFFECTIVE DATE OF 1992 AMENDMENT

Section 6(a) of Pub. L. 102-583 provided that the amendment substituting section 2291i of title 22 for section 2291h of title 22, is effective after Sept. 30, 1994.

§ 2494. Progress reports

The President shall include as a part of the annual report required under section 2291h of title 22 an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 2492(b) of this title.

(As amended Pub. L. 102-583, § 6(a), Nov. 2, 1992, 106 Stat. 4932.)

AMENDMENT OF SECTION

Pub. L. 102-583, § 6(a), Nov. 2, 1992, 106 Stat. 4932, provided that, effective after Sept. 30, 1994, this section is amended by substituting "section 2291i of title 22" for "section 2291h of title 22".

AMENDMENTS

1992—Pub. L. 102-583 substituted "section 2291h of title 22" for "section 2291(e)(1) of title 22".

EFFECTIVE DATE OF 1992 AMENDMENT

Section 6(a) of Pub. L. 102-583 provided that the amendment substituting section 2291i of title 22 for section 2291h of title 22, is effective after Sept. 30, 1994.

§ 2495. Definitions

For purposes of this subchapter—

[*See main edition for text of (1)*]

(2) the term "major drug producing country" means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana; and

[*See main edition for text of (3) and (4)*]

(As amended Pub. L. 101-231, § 17(h)(5), Dec. 13, 1989, 103 Stat. 1965.)

AMENDMENTS

1989—Par. (2). Pub. L. 101-231 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "the term 'major drug producing country' means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year; and".

CHAPTER 13—TRADE AGREEMENTS ACT OF 1979

SUBCHAPTER II—TECHNICAL BARRIERS TO TRADE (STANDARDS)

PART E—STANDARDS AND MEASURES UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT

SUBPART 1—SANITARY AND PHYTOSANITARY MEASURES

SUBPART 2—STANDARDS-RELATED MEASURES

SUBPART 3—PART DEFINITIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 section 5528.

§ 2503. Approval of trade agreements

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1671, 1677, 2414, 2504, 2518, 2571, 2702, 3202 of this title.

SUBCHAPTER I—GOVERNMENT PROCUREMENT

§ 2511. General authority to modify discriminatory purchasing requirements

(a) Presidential waiver of discriminatory purchasing requirements

Subject to subsection (f) of this section, the President may waive, in whole or in part, with respect to eligible products of any foreign country or instrumentality designated under subsection (b) of this section, and suppliers of such products, the application of any law, regulation, procedure, or practice regarding Government procurement that would, if applied to such products and suppliers, result in treatment less favorable than that accorded—

[*See main edition for text of (1) and (2)*]

(b) Designation of eligible countries and instrumentalities

The President may designate a foreign country or instrumentality for purposes of subsection (a) of this section only if he determines that such country or instrumentality—

(1) is a country or instrumentality which (A) has become a party to the Agreement or the North American Free Trade Agreement, and (B) will provide appropriate reciprocal competitive goverument procurement opportunities to United States products and suppliers of such products;

[*See main edition for text of (2) to (4); (c) and (d)*]